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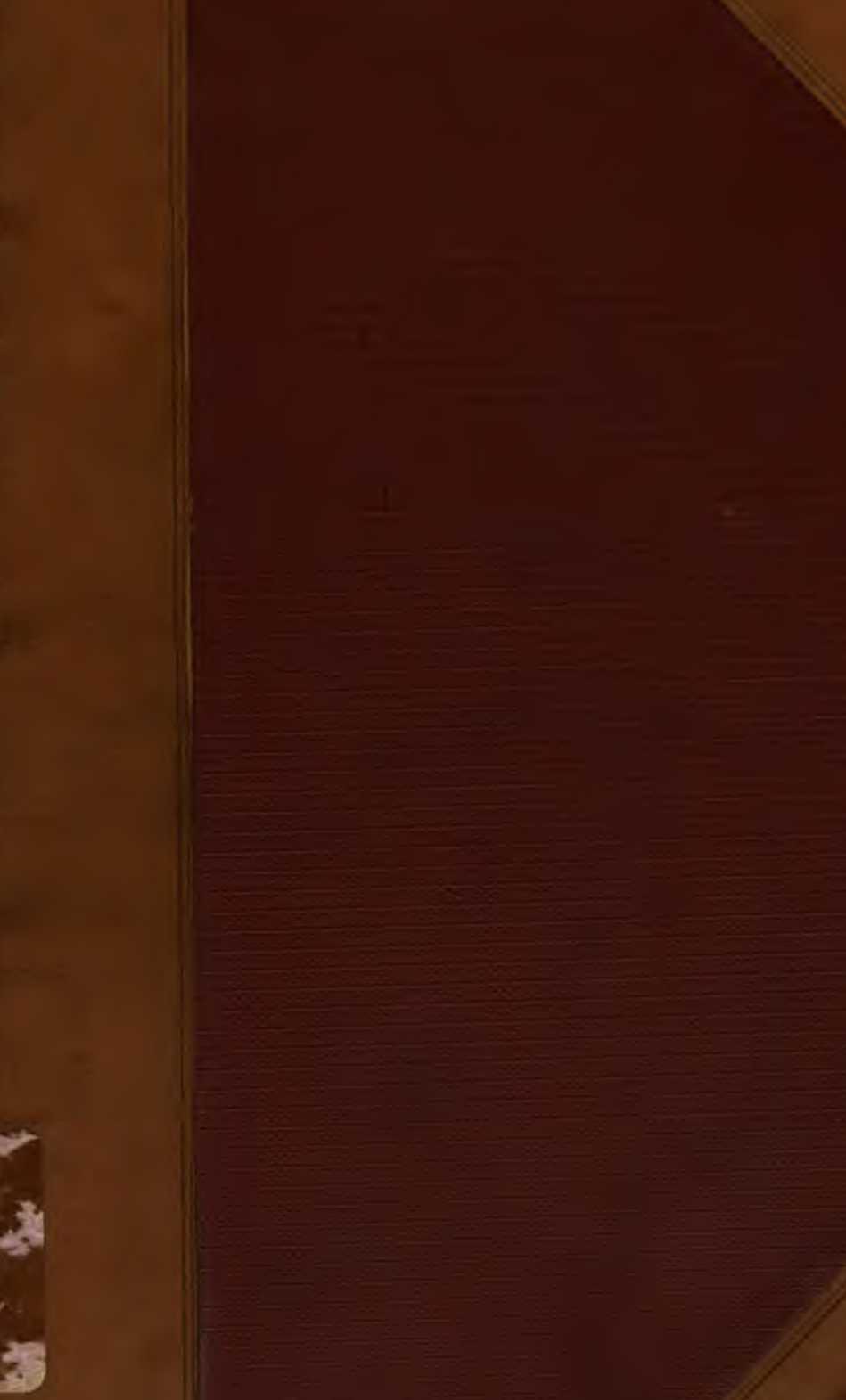
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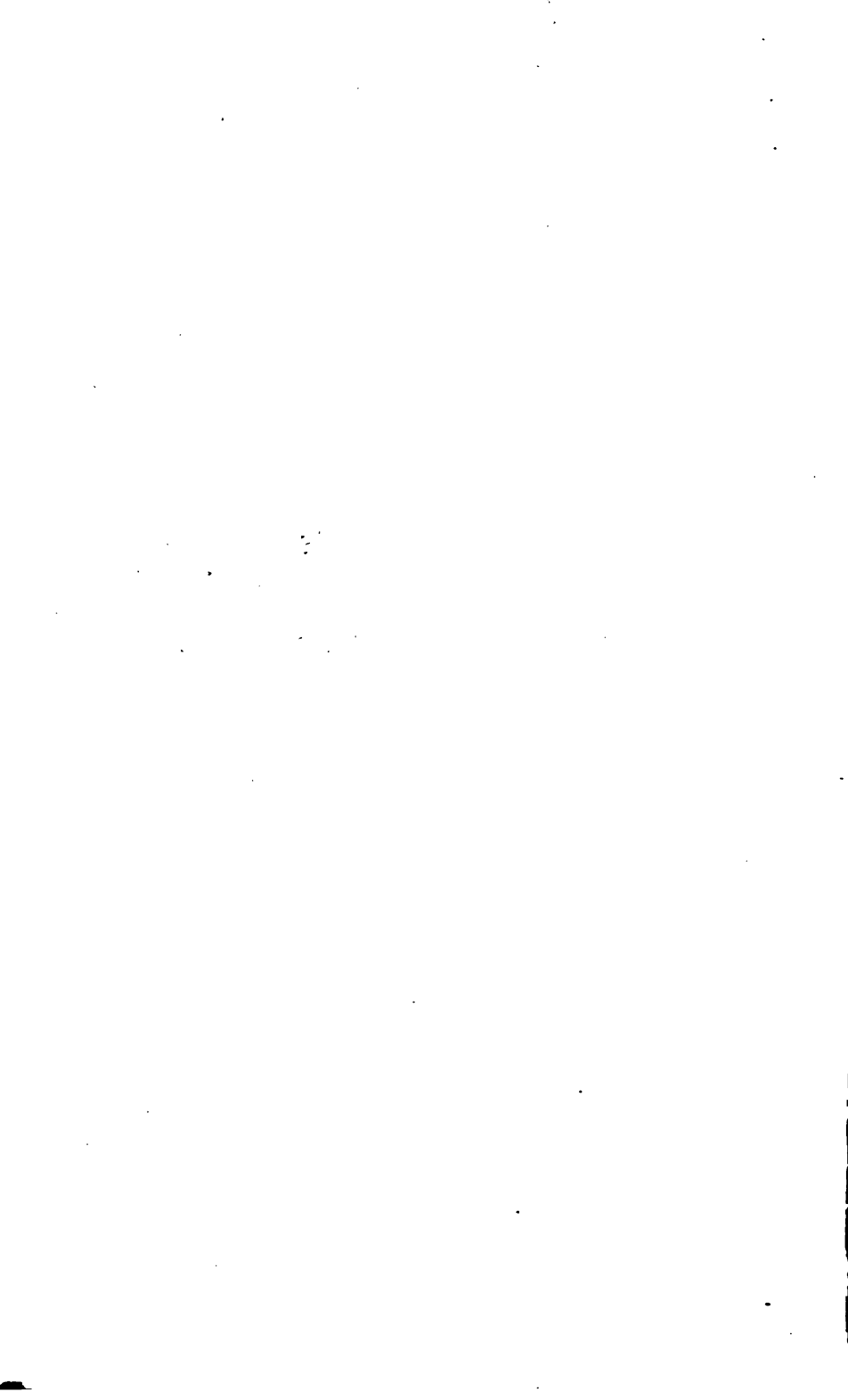
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T A B L E

Containing the TITLES of all

THE STATUTES,

PASSED IN

The FOURTH Session of the THIRTEENTH Parliament

OF

The United Kingdom of *Great Britain and Ireland*;

4^o & 5^o VICTORIÆ.

PUBLIC GENERAL ACTS.

1. AN Act to settle an Annuity on Lord *Keane*, and the Two next surviving Heirs Male of the Body of the said Lord *Keane* to whom the Title of Lord *Keane* shall descend, in consideration of his great and brilliant Services. Page 1
2. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. 3
3. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. 9
4. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-one. 14
5. An Act to facilitate the Recovery of Arrears of Tithe Compositions in *Ireland* vested in Her Majesty under the Provisions of an Act of the First and Second Years of Her present Majesty, for abolishing Compositions for Tithes in *Ireland*, and for substituting Rent-charges in lieu thereof. *Ibid.*
6. An Act to continue, until the Fourth Day of *August* One thousand eight hundred and forty-two, and to the End of the next Session of Parliament, the several Acts for regulating Turnpike Roads in *Ireland* which will expire at or before the End of the present Session of Parliament, or at or before the End of the Session of Parliament next after the Fourth Day of *August* One thousand eight hundred and forty-one; and to amend the Acts for regulating Turnpike Roads in *Ireland*. 16
7. An Act to amend the Acts of the last Session for taking Account of the Population. 20

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9. An Act for removing Doubts as to the Continuance of certain Local Turnpike Acts. 25
10. An Act for extending to the County of the City of *Dublin* the Provisions of an Act passed in the Nineteenth and Twentieth Years of His late Majesty King *George* the Third, in *Ireland*, intituled *An Act to prevent the detestable Practices of houghing Cattle, burning of Houses, Barns, Haggards, and Corn, and for other Purposes*, so far as relates to burning of Houses. 26
11. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-two; and for the Relief of Clerks to Attornies and Solicitors in certain Cases. 27
12. An Act to enable Her Majesty's Commissioners of Woods to make a new Street from *Coventry Street, Piccadilly, to Long Acre*, and for other Improvements in the Metropolis. *Ibid.*
13. An Act to authorize the Advance of a Sum of Money out of the Consolidated Fund on account of the Colony of *South Australia*. 80
14. An Act to make good certain Contracts which have been or may be entered into by certain Banking and other Copartnerships. *Ibid.*
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17. An Act to abolish Arrest in personal Actions commenced by Process of Subpœna at the Law Side of the Court of Exchequer in *Ireland*. 89
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20. An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise. *Ibid.*
21. An Act for rendering a Release as effectual for the Conveyance of Freehold Estates as a Lease and Release by the same Parties. 110
22. An Act to remove Doubts as to the Liability of Lords and Peers of Parliament to Punishment in certain Cases of Felony. 111
23. An Act to suspend until the Thirty-first Day of *August* One thousand eight hundred and forty-two the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. 112
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24. An Act to amend an Act to grant certain Powers to Heirs of Entail in *Scotland*, and to authorize the Sale of Entailed Lands for the Payment of certain Debts affecting the same.

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26. An Act to continue Compositions for Assessed Taxes until the Fifth Day of *April* One thousand eight hundred and forty-three.

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27. An Act to enable Her Majesty's Commissioners of Woods to complete the Contract for the Sale of *York House*, and to purchase certain Lands for a Royal Park.

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28. An Act to prevent Plaintiffs in certain frivolous Actions from obtaining their full Costs of Suit.

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29. An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-two, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-one.

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32. An Act to amend an Act to extend the Practice of Vaccination.

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33. An Act to amend the Acts for regulating Turnpike Roads in *England*, so far as they relate to certain Exemptions from Toll.

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34. An Act to explain and amend an Act of the Fifth Year of King *George* the Fourth, for repealing certain Duties on Law Proceedings in the Courts in *Great Britain* and *Ireland* respectively, and for better protecting the Duties payable upon stamped Vellum, Parchment, or Paper.

Ibid.

35. An Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure.

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39. An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for *England*.

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40. An Act to empower the Commissioners of Her Majesty's Woods to raise Money for certain Improvements in the Metro-

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- polis on the Security of the Land Revenues of the Crown within the County of *Middlesex* and City of *London*. Page 206
41. An Act to provide for the Payment of Debts, Charges, and Incumbrances affecting Houses of Industry and Workhouses, and of Advances made, conformably with previous Usage, for the lawful Purposes of such Houses of Industry and Workhouses, in certain Cases, in *Ireland*. 212
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45. An Act to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Sewers*. Ibid.
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47. An Act to amend an Act of the last Session for continuing and amending the Laws for the Relief of Insolvent Debtors in *Ireland*. 231
48. An Act to render certain Municipal Corporations rateable to the Relief of the Poor in certain Cases. 233
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- v. An Act to enable "*The Glasgow, Paisley, and Greenock Railway Company*" to raise a further Sum of Money; and to amend and enlarge the Powers and Provisions of the Acts relating to the said Railway. Page 287
- vi. An Act to enable the *Durham and Sunderland* Railway Company to raise a further Sum of Money; and for amending the Acts for making the said Railway. Ibid.
- vii. An Act to enable the *York and North Midland* Railway Company to raise a further Sum of Money; to make a certain Approach to the said Railway; and to amend the Acts relating thereto. Ibid.
- viii. An Act to enable the Company of Proprietors of the *Manchester and Salford* Waterworks to raise a further Sum of Money; and to amend the Acts relating thereto. Ibid.
- ix. An Act for regulating Legal Proceedings by or against the *Britannia* Life Assurance Company. Ibid.
- x. An Act to amend the Acts relating to the *Chard* Canal. Ibid.
- xi. An Act for enabling the *Wishaw and Coltness* Railway Company to raise a further Sum of Money. Ibid.
- xii. An Act for granting further Powers to the *London and Blackwall* Railway Company. 288
- xiii. An Act for granting further Powers to the *North Midland* Railway Company. Ibid.
- xiv. An Act to amend and enlarge some of the Provisions of the Acts relating to the *Eastern Counties* Railway, and to authorize the Company to raise a further Sum of Money for the Purposes of the said Undertaking. Ibid.
- xv. An Act for better lighting with Gas the Borough of *Derby* and several Parishes and Places adjacent thereto. Ibid.
- xvi. An Act for improving certain Parts of the Townships of *Bilton with Harrowgate* and *Pannal*, called *High and Low Harrowgate*, in the West Riding of the County of *York*; for protecting the Mineral Springs and regulating the Stinted Pasture in the said Townships. Ibid.
- xvii. An Act for the Administration of the Poor Laws in the Parish of *Saint Luke Chelsea* in the County of *Middlesex*, and relating to the Highways in the said Parish. Ibid.
- xviii. An Act for the more effectual Preservation and Improvement of the Fisheries in the River *Annan* in the County of *Dumfries*, and in the Streams and Waters running into the same, and on the Shores or Sea Coast adjacent to the Mouth or Entrance of the said River. Ibid.
- xix. An Act for more effectually repairing and improving certain Roads passing through or near the Town of *Iminster* in the County of *Somerset*. Ibid.
- xx. An Act for maintaining certain Roads in the County of *Cambridge*, to be called "*The Stumpcross Roads*." 289
- xxi. An Act for repairing several Roads leading from the Town of *Barnstaple* in the County of *Devon*, and for making several new Lines of Road connected therewith. Ibid.
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- xxiii. An Act for making a Turnpike Road from *Wimborne Minster* in the County of *Dorset* to *Piddletown* in the same County, with certain Branches therefrom. *Page 289*
- xxiv. An Act to enable the *Northern and Eastern Railway Company* to make certain Deviations in the Line of their Railway, and to alter and amend the several Acts relating to the said Railway. *Ibid.*
- xxv. An Act for enabling the *Manchester and Leeds Railway Company* to raise a further Sum of Money. *290*
- xxvi. An Act to enable the *West Durham Railway Company* to raise a further Sum of Money; and to amend the Act relating to the said Railway. *Ibid.*
- xxvii. An Act to light with Gas and supply with Water the Townships of *Old and New Accrington* and *Church* in the County Palatine of *Lancaster*. *Ibid.*
- xxviii. An Act to alter, amend, and enlarge the Powers and Provisions of an Act for lighting with Gas the Port and Town of *Liverpool* and Township of *Toxteth Park* in the County of *Lancaster*; and for lighting with Gas the several Townships of *West Derby, Everton, Kirkdale, Walton-on-the-Hill, Bootle-cum-Linacre, Litherland, Great Crosby, Wavertree, and Garston*, in the County of *Lancaster*. *Ibid.*
- xxix. An Act for enlarging the Powers of the Acts for building a Bridge over the River *Avon*, from *Clifton* to the opposite Side of the River in the County of *Somerset*. *Ibid.*
- xxx. An Act for enabling the Trustees of the *Liverpool Docks* to erect Transit Sheds on the West Quay of the *Prince's Dock*, to make a Wet Dock with Warehouses on the Quays, and to construct other Works, and to raise a further Sum of Money; and for enlarging the Powers of the Acts relating to the Docks and Harbour of *Liverpool*; and for other Purposes relating thereto. *Ibid.*
- xxxi. An Act to repeal certain of the Provisions of an Act passed in the First Year of the Reign of His Majesty King *George the Fourth*, for improving Parts of the Line of Road between the Borough of *Plymouth* and the City of *Exeter*, through *Ashburton* and *Chudleigh*, in the County of *Devon*. *291*
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- xxxv. An Act for more effectually repairing and improving the Road from *Market Harborough* in the County of *Leicester* to *Brampton* in the County of *Huntingdon*. *292*

- xxxvi. An Act for repressing Juvenile Delinquency in the City of *Glasgow*. Page 292
- xxxvii. An Act for completing and maintaining a new Church in *Birkenhead* in the County of *Chester*. *Ibid.*
- xxxviii. An Act for amending and enlarging the Provisions of the several Acts relating to the *Great North of England Railway Company*; and for other Purposes relating thereto. *Ibid.*
- xxxix. An Act to amend the Acts relating to the *London and South-western Railway Company*; and to authorize an Agreement between the said Company and certain Inhabitants of *Wandsworth* and *Battersea* respecting an alleged Loss in their Supply of Water. *Ibid.*
- xl. An Act for extending, enlarging, and amending some of the Provisions of the Act relating to the *Great Leinster and Munster Railway*. *Ibid.*
- xli. An Act for extending and enlarging some of the Provisions of the Acts relating to the *Bristol and Exeter Railway*. *Ibid.*
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- xliv. An Act to alter, amend, and enlarge the Powers granted to the *Newcastle-upon-Tyne and Carlisle Railway Company*; and to authorize Alterations in the Line of the Railway. *Ibid.*
- xl. An Act for improving and regulating the Markets within the City and Borough of *Wells* in the County of *Somerset*. *Ibid.*
- xlvi. An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for regulating the Market in the Town of Exmouth in the County of Devon*. *Ibid.*
- xl. An Act to alter and amend an Act passed in the Thirteenth Year of the Reign of King *George* the Third, for the better Regulation of Pilots and Bridgemen, and for laying down Moorings and preventing Mischief by Fire, in the Port of *King's Lynn*. *Ibid.*
- xl. An Act to amend an Act for the Formation of a new Cut or Channel, and for otherwise more effectually improving the Port and Harbour of *Belfast*. 294
- xl. An Act for maintaining *Gourdon Harbour* in the County of *Kincardine*. *Ibid.*
- l. An Act for making and maintaining a Harbour at *Scrabster Roads* in the Bay of *Thurso* and County of *Caithness*, and Road thereto. *Ibid.*
- li. An Act for authorizing the *Newport Dock Company* to raise an additional Sum of Money; and to amend the Acts relating thereto. *Ibid.*
- lii. An Act to enable the *Ipswich Dock Commissioners* to raise a further Sum of Money. *Ibid.*
- liii. An Act for making a Pier in the Parish of *Portbury* in the County of *Somerset*, with Works and Approaches connected therewith. *Ibid.*

- liv. An Act to enable the *Monkland Canal Company* to raise a further Sum of Money. Page 294
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- lvi. An Act to extend and amend the Acts relating to the *Newry Navigation*. *Ibid.*
- lvii. An Act to repeal an Act passed in the Sixteenth Year of the Reign of His Majesty King *George* the Third, for the Encouragement and Improvement of the Pilchard Fishery carried on within the Bay of *Saint Ives* in the County of *Cornwall*; and to make other Provisions in lieu thereof. *Ibid.*
- lviii. An Act for draining certain Fen Lands and Low Grounds in the Parish of *Burwell* in the County of *Cambridge*, and for improving the Navigation of the Lodes or Navigable Cuts passing through the same. *Ibid.*
- lix. An Act for amending the several Acts relating to the *Edinburgh and Glasgow Union Canal*, and for enlarging the *Cobbinshaw Reservoir*. *Ibid.*
- lx. An Act to amend an Act of Her present Majesty for making and maintaining a Reservoir at *Deanhead* in the Parish of *Huddersfield* in the West Riding of the County of *York*. 296
- lxi. An Act to enable the *Wakefield Waterworks Company* to raise a further Sum of Money. *Ibid.*
- lxii. An Act for supplying *Birkenhead* and other Townships in the Hundred of *Wirrall* in the County of *Chester* with Gas; and for supplying *Birkenhead* aforesaid with Water. *Ibid.*
- lxiii. An Act to establish a general Cemetery for the Interment of the Dead in the Parishes of *Saint Dunstan Stepney* and *Saint Leonard Bromley* in the County of *Middlesex*. *Ibid.*
- lxiv. An Act for further extending the Powers of several Acts for enabling the Commissioners of Wide Streets, *Dublin*, to widen and improve certain Ways, Streets, and Passages in the City and County of *Dublin*, and for raising Funds to enable the said Commissioners to carry the same into execution. *Ibid.*
- lxv. An Act to alter, amend, and enlarge some of the Powers and Provisions of the Acts for paving and otherwise improving certain Streets in the Parish of *Saint Pancras* in the County of *Middlesex*. *Ibid.*
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- lxviii. An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Middlesbrough* and the Neighbourhood thereof, in the North Riding of the County of *York*, and for establishing a Market therein. *Ibid.*
- lxix. An

- lxix. An Act for paving, cleansing, and otherwise improving the Town and Borough of *Stamford* in the Counties of *Lincoln* and *Northampton*. Page 297
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- lxxi. An Act to alter and extend an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for regulating and improving the Borough of Newcastle-upon-Tyne*. *Ibid.*
- lxxii. An Act for better assessing and collecting the Poor Rates in the Borough of *Kidderminster* in the County of *Worcester*. *Ibid.*
- lxxiii. An Act for the more easy and speedy Recovery of Small Debts within the City and County of the City of *Exeter*. *Ibid.*
- lxxiv. An Act for extending the Jurisdiction of the *Hatfield* Court of Requests to certain Places in the West Riding of the County of *York* and in the Counties of *Lincoln* and *Nottingham*. 298
- lxxv. An Act to extend the Jurisdiction of the *Kingsnorton* Court of Requests, and to amend the Act relating thereto. *Ibid.*
- lxxvi. An Act for the more easy and speedy Recovery of Small Debts within the Town and Borough of *Launceston* and other Places in the Counties of *Cornwall* and *Devon*. *Ibid.*
- lxxvii. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Blackburn* and other Places in the County of *Lancaster*. *Ibid.*
- lxxviii. An Act for the more easy and speedy Recovery of Small Debts within the Town and Borough of *Wigan* and the Towns of *Chorley* and *Ormskirk*, and other Places therein mentioned, in the County Palatine of *Lancaster*. *Ibid.*
- lxxix. An Act to amend an Act of Her present Majesty, for the more easy and speedy Recovery of Small Debts within the Borough of *Newark* and other Places in the Counties of *Nottingham* and *Lincoln*. *Ibid.*
- lxxx. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Totnes* in the County of *Devon*, and other Places in the said County. *Ibid.*
- lxxxi. An Act for the more easy and speedy Recovery of Small Debts within and adjoining the District called *The Staffordshire Potteries*. *Ibid.*
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- lxxxiv. An Act for the more easy and speedy Recovery of Small Debts within the City and Borough of *New Sarum* and other Places in the Counties of *Wilts*, *Hants*, and *Dorset*. *Ibid.*
- lxxxv. An Act for the more easy and speedy Recovery of Small Debts within the Town of *New Sleaford* in the County of *Lincoln*, and other Places in the same County. *Ibid.*
- lxxxvi. An

lxxxvi. An Act for the more easy and speedy Recovery of Small Debts within the Town of *Gainsburgh* in the County of *Lincoln*, and other Places in the Counties of *Lincoln* and *Nottingham*. Page 299

lxxxvii. An Act for the more easy and speedy Recovery of Small Debts within the Town or Borough of *East Retford* in the County of *Nottingham*, and other Places in the Counties of *Nottingham*, *York*, and *Lincoln*. Ibid.

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lxxxix. An Act to enable "The Patent Rolling and Compressing Iron Company" to purchase certain Letters Patent, and to sue and be sued. Ibid.

xc. An Act for regulating Legal Proceedings by or against "The *Rhymney* Iron Company," and for granting certain Powers thereto. Ibid.

xc. An Act for forming and establishing "*Stead's* Patent Wooden Paving Company," and to enable the said Company to purchase certain Letters Patent, and for confirming the same. 300

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xciii. An Act for regulating Legal Proceedings by or against the *Neptune* Marine Insurance Company. Ibid.

xciv. An Act for enabling "The Imperial Life Insurance Company" to alter the Mode of Appropriation of Profits directed by their Deed of Settlement, and for regulating Legal Proceedings by or against the Company. Ibid.

xcv. An Act for regulating Legal Proceedings by or against "The *Hull* Flax and Cotton Mill Company." Ibid.

xcvi. An Act to enable the "*Scottish* Marine Insurance Company" to sue and be sued; and for other Purposes. Ibid.

xcvii. An Act for further and more effectually repairing and maintaining certain Turnpike Roads in the Counties of *Roxburgh* and *Dumfries*. Ibid.

xcviii. An Act for more effectually widening and improving the Road from *Wells* to *Highbridge*, with a Road thereout to *Cheddar*, all in the County of *Somerset*. Ibid.

xcix. An Act for more effectually repairing and maintaining several Roads leading to and from the Town of *Bradford* in the County of *Wilts*, and for maintaining a Bridge over the River *Avon* at *Stokeford* in the said County. 301

c. An Act for repairing the Roads leading from *Henley-upon-Thames* to *Culham Bridge*, and to the *Chancellor's Milestone* near *Magdalen Bridge*, in the County of *Oxford*. Ibid.

ci. An Act for repairing the Road from *Blakedown Pool* in the Parish of *Hagley* in the County of *Worcester* into the Borough of *Birmingham* in the County of *Warwick*. Ibid.

cii. An Act for repairing the Turnpike Road from *Barnstaple* to *Braunton* in the County of *Devon*, and for making certain new Lines of Road to communicate with the same. Ibid.

ciii. An

- ciii. An Act for repairing and improving the Roads commonly called the *Sedgley Roads*, in the County of *Stafford*, and for making a new Line of Road connected therewith in the said County. *Page 302*
- civ. An Act for repairing the Road from *Dewsbury* to *Leeds* in the West Riding of the County of *York*, and for making and repairing a new Line of Road leading therefrom. *Ibid.*
- cv. An Act to amend an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, for repairing and improving the Road from *Brighton* to *Shoreham* and *Lancing* in the County of *Sussex*, and for other Purposes connected therewith. *Ibid.*
- cvi. An Act for repairing and improving the Road from *Selby* to *Leeds* in the West Riding of the County of *York*. 303
- cvii. An Act for repairing, improving, and maintaining the Road from a Place in the Parish of *Nuffield* in the County of *Oxford*, through *Wallingford* and *Wantage*, to *Faringdon* in the County of *Berks*. *Ibid.*
- ciii. An Act for more effectually repairing, maintaining, and improving certain Roads leading to and from the City of *Lincoln*. *Ibid.*
- cix. An Act for repairing the Turnpike Road from *Tinsley* to *Doncaster*, and for making certain new Lines of Road to communicate with the same, all in the West Riding of the County of *York*. *Ibid.*
- cx. An Act for making and maintaining a Turnpike Road from *Cripps Corner* in the Parish of *Ewhurst* in the County of *Sussex* to *Gills Green* in the Parish of *Hawkhurst* in the County of *Kent*. 304
- cxi. An Act for repairing and maintaining the Road from the *Mayors Stone* in *Abingdon* to *Chilton Pond* in the County of *Berks*. *Ibid.*
- cxii. An Act for improving the Streets and public Places, and erecting a Town Hall and improving the Markets, in the Township of *Blackburn* in the County Palatine of *Lancaster*. *Ibid.*
- cxiii. An Act for the better Drainage of Lands in *Bourn North Fen* and *Dyke Fen* in the Manor and Parish of *Bourn* in the County of *Lincoln*. *Ibid.*
- cxiv. An Act for maintaining and repairing, as Turnpike, a certain Road commencing at or near the North-west Gate of the *Woodside* Hotel Stable-yard in the Township or Chapelry of *Birkenhead*, and terminating at or near the Cottage of *Henry Berry* in the Township of *Little Meols* in the Parish of *West Kirby* in the County of *Chester*, and for levying Tolls for that Purpose. *Ibid.*

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN
IN EVIDENCE.

1. AN Act for inclosing Lands in the Parish of *Barnack with Pilsgate and Southorpe* in the County of *Northampton*.
Page 306
2. An Act for inclosing Lands in the Parish of *Collyweston*, and within the Precincts of *West Hay*, in the County of *Northampton*.
Ibid.
3. An Act for inclosing Lands in the Manor of *Eccleshill* in the Parish of *Bradford* in the West Riding of the County of *York*.
307
4. An Act for inclosing Lands in the Parish of *Bury* in the County of *Sussex*.
Ibid.
5. An Act for inclosing Lands in the Parish of *Eccleshall* in the County of *Stafford*.
Ibid.
6. An Act for inclosing Lands in the Parish of *Gamlingay* in the County of *Cambridge*.
Ibid.
7. An Act for inclosing Lands in the Manor of *Wanington* in the County of *Sussex*.
Ibid.
8. An Act for inclosing Lands in the Parish of *Uplyme* in the County of *Devon*.
308
9. An Act for the Division of the Rectory of *Winwick* in the County Palatine of *Lancaster*.
Ibid.
10. An Act for inclosing Lands in the Parish of *Bedingham* in the County of *Norfolk*.
Ibid.
11. An Act for inclosing Lands in the Parish of *Upper Heyford* in the County of *Oxford*.
Ibid.
12. An Act for inclosing Lands in the Parish of *Cheveley* in the County of *Cambridge*.
Ibid.
13. An Act to amend an Act of the last Session of Parliament for inclosing Lands in the Parishes of *Whittlesea Saint Mary* and *Whittlesea Saint Andrew* in the County of *Cambridge*.
309
14. An Act for inclosing Lands in the Parish of *Marsh Gibbon* in the County of *Buckingham*.
Ibid.
15. An Act for dividing, allotting, and inclosing Lands in the Parish of *Elsing* in the County of *Norfolk*.
Ibid.
16. An Act for inclosing the Commons, Drovers, Banks, and Waste Lands in the Parishes of *Leverington, Tid Saint Giles, and Outwell*, in the *Isle of Ely* in the County of *Cambridge*.
Ibid.
17. An Act for inclosing Lands in the Manor and Tithing of *Olveston* within the Parish of *Olveston* in the County of *Gloucester*.
Ibid.
18. An Act for inclosing the Commons and Waste Lands in the Township and Manor of *Brimington* in the County of *Derby*.
310
19. An

19. An Act for dividing, allotting, and inclosing the Commons and Waste Lands lying within the Hamlet of *Coundon* in the County of *Warwick*, and the Hamlet of *Keresley* in the County of *Warwick* and County of the City of *Coventry*, or one of them. Page 310
20. An Act for inclosing Lands in the Parish of *Whitmore* in the County of *Stafford*. *Ibid.*
21. An Act for inclosing and improving Lands in the Parishes of *Saint Helen* and *Saint Nicholas*, *Abingdon*, in the County of *Berks*. *Ibid.*
22. An Act for inclosing Lands in the Parish of *Great Horwood* in the County of *Buckingham*. *Ibid.*
23. An Act for setting out and allotting certain Portions of the Lands in *Whaddon Chase* in the County of *Buckingham* in lieu of the Common Rights upon the said Chase, and for extinguishing such Common Rights. 311
24. An Act for severing the Chapelry of *Rowley Regis* from the Vicarage of *Clent* in the County of *Stafford*; and for the Sale of certain Lands situate in the Parish of *Rowley Regis*, and belonging to the Vicarage of *Clent* with the Chapelry of *Rowley Regis* annexed, and thereby providing a Residence and Maintenance for the Curate or Officiating Minister of *Rowley Regis*; and for other Purposes. *Ibid.*
25. An Act to empower the Dean and Chapter of *Westminster* to grant Building Leases in certain Parts of the City of *Westminster*; and for other Purposes. *Ibid.*
26. An Act to confirm to Sir *Edward Bowyer Smijth* Baronet the Advowson of District Churches within the Parish of *Saint Giles*, *Camberwell*, in the County of *Surrey*. *Ibid.*
27. An Act for vesting certain Real Estate devised by the Will of *Thomas Whittaker* Esquire, deceased, in Trustees, upon Trust to be sold, and for laying out the Money arising therefrom in the Purchase of other Estates, to be settled to the same Uses. *Ibid.*
28. An Act for extending the Powers of the Trustees under the Settlement on the Marriage of the Reverend *James Jackson* with Miss *Eliza Houlton*. *Ibid.*
29. An Act for empowering the Trustees of *Henry Bickerton Whitehouse* and *Mary* his Wife, and of the Children of the said *Mary Whitehouse*, to lease or sell the Mines and Minerals in and under and to lease Part of the Surface of a certain Freehold Estate called the *Hill Top Farm*, situate in the Parish of *Westbromwich* in the County of *Stafford*, and also to sell the Estate. *Ibid.*
30. An Act for vesting the Lands and Barony of *Lundin* and the Lands of *Aithernie*, and certain other Heritages, in favour of *James Erskine Wemyss* Esquire, and his Heirs and Assigns, in Fee Simple, on Condition of certain Parts of the Lands and Barony of *Methill*, and other Lands, being settled in lieu thereof in Fee Tail. 312
31. An Act to authorize the granting of Leases and Conveyances for Mining Purposes of Estates at *Northwingsfield* in the County of *Derby*, the Property of *Frederick Lord Clay* and his infant Son *Richard Clay*. *Ibid.*
32. An

32. An Act for vesting certain Estates situate in the County of *Leicester*, devised by the Will of *Catherine Moyer* Spinster, in Trustees, upon Trust to convey the same in Exchange for certain other Estates situate in the same County. *Page 312*
33. An Act for selling a Part of the Entailed Estate of *Newton* in the County of *Haddington*, and applying the Price towards discharging Part of the Debts incurred in improving the said Entailed Estate; and also for exchanging certain Parts of the Entailed Estate for Lands held in Fee Simple. *Ibid.*
34. An Act to amend "An Act for vesting Estates of which *Gifford Warriner* Esquire, a Lunatic, is Tenant in Tail, in " Trustees for Sale, and also for effecting a Partition of certain Parts thereof, and for granting Leases;" and to enable the said Trustees to make Conveyances in Fee, subject to Rent-charges, and Leases for long Terms of Years, at reserved Rents, of the unsold Portions of the said Estates, and to make Sale of the Rent-charges and of the Reversions in Fee expectant on the Leases. *Ibid.*
35. An Act for carrying into effect a Contract between *Edward Gresley Stone* and *John Attwood* Esquires for the Sale of the *Coptfold Hall* Estate in the County of *Essex* to the said *John Attwood*, and for investing the Purchase Money in other Estates, to be settled to the same Uses; and also for authorizing the Exchange of certain Lands and Hereditaments in the Counties of *Worcester* and *Gloucester*, devised by the Will of *John Stone* Esquire, deceased. *Ibid.*
36. An Act for authorizing Leases to be granted of the *Burross* Estate in the Parish of *Kingswinford* in the County of *Stafford*, devised by the Will of *Thomas Westwood* deceased to *Thomas Westwood* during his Life, and after his Decease upon the Trusts of such Will. *Ibid.*
37. An Act to enable the Trustees of the Trust Estates in *Scotland* of *John Bowes Lyon*, late Earl of *Strathmore* and *Kinghorn*, deceased, to advance and pay certain yearly Sums on behalf of *Thomas George Lyon Bowes* commonly called Lord *Glamis*, his Grand-nephew, who in certain Events will become entitled to the Trust Estates in question. 313
38. An Act to enable the Trustees of the Hospital of *Saint John the Baptist* in the City of *Winchester* to effect an Exchange with Sir *Edmund Antrobus* Baronet, under the Authority of the Court of Chancery. *Ibid.*
39. An Act to enable the Trustees of the Will of the late *Peter Dutton* Esquire to make Sale of Part of the Estates devised by the same Will, and to lay out the Money arising from any such Sale in the Purchase of other Estates, to be settled to the subsisting Uses of the said Will, and to make Conveyances in Fee, or Demises for long Terms of Years, of other Part of the said Estates, for the Purpose of building on and otherwise improving the same, and also to apply a Sum of Money arising from the Sale of Part of the Estates devised by the said Will in carrying the aforesaid Objects and Purposes into execution. *Ibid.*
40. An Act for ascertaining and defining the Glebe Land of the Rector of *Abington* alias *Abingdon* in the County of
4 & 5 VICT. a Northampton,

- Northampton*, and for building a Parsonage House for such Rector. Page 313
41. An Act for effecting a Sale and Conveyance from the Feoffees or Trustees of the Parish of *Saint Mildred Bread Street* in the City of *London* to the Fishmongers Company, and for investing the Purchase Money in other Estates, to be settled to the same Uses. *Ibid.*
42. An Act to amend an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to authorize the Sale of certain Lands, Tenements, and Hereditaments in the Counties of Kent and Northampton, formerly belonging to William Marshall of Clifford's Inn in the City of London, Gentleman, deceased, and for other Purposes incidental thereto.* *Ibid.*
43. An Act for effecting an Exchange between the Mayor, Aldermen, and Burgesses of the Borough of *Great Yarmouth* in the County of *Norfolk* and the Trustees of a Charity in the said Borough called "The Children's Hospital." *Ibid.*
44. An Act for enlarging the Power to grant Leases contained in the Will of *Alexander Lyon Emerson* Doctor of Medicine, deceased; and for other Purposes. 314
45. An Act to enable the Trustees of the *Oldbury* Charity to grant Building Leases. *Ibid.*
46. An Act for vesting in the Overseers of the Poor of the Township of *Blackburn* in the County Palatine of *Lancaster* Parts of the *Town's Moor*, for Sale or other Disposal thereof. *Ibid.*
47. An Act to enable the Trustees of the Chapelry of *Smethwick* in the County of *Stafford* to demise Coal and other Mines, and to grant Building Leases. *Ibid.*

PRIVATE ACTS,

NOT PRINTED.

48. AN Act for naturalizing *Henry William Ferdinand Bolckow*.
49. An Act for naturalizing *Gustavus Heyn*.
50. An Act for naturalizing *Frederick Salomo Bogdan*.
51. An Act for inclosing Lands in the Townships or Divisions of *Dovenby* and *Papcastle* in the Parish of *Bridekirk* in the County of *Cumberland*.
 [Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Watering Places and for Materials for Roads, § 39.; and for Recreation of the neighbouring Population, § 40.; and to the Lady of the Manors for Right of Soil, § 41. Saving of Manorial Rights, § 62.]
52. An Act for naturalizing *Charles Christopher Burgett*.

53. An

53. An Act to dissolve the Marriage of *Nathaniel Bogle French Shaue* Esquire with *Charlotte Shaue* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
54. An Act to dissolve the Marriage of *John Pascal Larkins* Attorney at Law, with *Eliza Bird* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
55. An Act to dissolve the Marriage of *Harry Dent Goring* Esquire with *Augusta* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
56. An Act to dissolve the Marriage of *Thomas Wyatt* Esquire with *Elizabeth Grey* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
57. An Act to dissolve the Marriage of *John Hall* Esquire with *Jemima Caroline* his now Wife, and to enable him to marry again; and for other Purposes.
58. An Act for naturalizing *Marzio François Giordano*.
59. An Act for naturalizing *Philipp Jacob Passavant*, and *Philipp Johann Passavant*, *Theodor Passavant*, *Mary Magdalen Johanna Passavant*, *Jacob Rudolph Passavant*, and *Henrietta Mariane Laura Louisa Augusta Passavant*, his Children.
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A
T A B L E
Containing the TITLES of all
THE STATUTES,

PASSED IN
The FIRST Session of the FOURTEENTH Parliament
OF
The United Kingdom of *Great Britain* and *Ireland* ;
5^o VICTORIÆ.

PUBLIC GENERAL ACTS.

1. **A**N Act to authorize Her Majesty's Commissioners of Woods to grant Building Leases of the Royal Kitchen Garden at *Kensington*, and to form and improve other Royal Gardens ; and to enable the said Commissioners to purchase Lands of Copyhold or Customary Tenure. Page 321
2. An Act for annexing the Mansion House, Gardens, and Grounds at *Frogmore*, Part of the Land Revenue of the Crown, to *Windsor Castle*. 325
3. An Act to alter an Act of the Eleventh Year of King *George* the Fourth, for amending the Laws relating to the Pay of the Royal Navy, and an Act of the Fifth Year of King *William* the Fourth, to alter the Provisions of the said Act. 327
4. An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts relating to the Care and Treatment of Insane Persons in *England*. *Ibid.*
5. An Act to make further Provisions for the Administration of Justice. 328
6. An Act to amend an Act made in the Twenty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to empower the Archbishop of Canterbury or the Archbishop of York for the Time being to consecrate to the Office of a Bishop Persons being Subjects or Citizens of Countries out of His Majesty's Dominions*. 354
7. An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-two such Laws as may expire within a limited Period. 356
8. An

8. An Act for funding Exchequer Bills, and for making Provision for the Service of the Year One thousand eight hundred and forty-one. Page 357
 9. An Act to provide for Payment of the Persons employed in taking Account of the Population in *England*. 366
 10. An Act to continue the Poor Law Commission until the Thirty-first Day of *July* One thousand eight hundred and forty-two. 368
 11. An Act for raising the Sum of Ten millions six hundred and twenty-six thousand three hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-one, and for appropriating the Supplies granted in this Session of Parliament. 369
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PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN
IN EVIDENCE.

1. **A**N Act to vest the Entailed Estate of *Ardnamurchan* and *Sunart*, in the County of *Argyle*, in Trustees, for the Purpose of raising Money for the Payment of the Debts affecting the said Estate, and of certain Sums expended by Sir *James Milles Riddell* in improving the same, and for the Erection of a Mansion House and Offices thereon. Page 374
 2. An Act for enabling the Most Noble *George* Duke of *Marlborough* to charge, for the Repairs of *Blenheim Palace*, certain Hereditaments devised by the Will of the Most Noble *George* Third Duke of *Marlborough*, deceased, as a collateral Security with a Sum of Twenty-five thousand Pounds and Interest, and as a primary Security with a further Sum not exceeding Ten thousand Pounds and Interest. *Ibid.*
-

PRIVATE ACTS,

NOT PRINTED.

3. **A**N Act to relieve the Right Honourable *John Savile Lumley* *Savile* Earl of *Scarborough* from certain Disabilities and Penalties in consequence of his having sat and voted in the House of Peers without being duly qualified by taking and subscribing the Oaths and Declaration prescribed by Law.
 4. An Act to enable *George Alan Clayton* to take and bear the Name and Arms of *Lowndes*.
-

THE

STATUTES AT LARGE.

Anno Regni VICTORIÆ, Britanniarum Reginaë,
Quarto & Quinto.

‘ **A**T the Parliament begun and holden at *Westminster* the
‘ Fifteenth Day of *November*, *Anno Domini* 1837, in the
‘ First Year of the Reign of our Sovereign Lady
‘ VICTORIA, by the Grace of God, Queen of the United
‘ Kingdom of *Great Britain* and *Ireland*, Defender of the Faith :
‘ And from thence continued, by several Prorogations, to the
‘ Twenty-sixth Day of *January* 1841 ; being the Fourth Session
‘ of the Thirteenth Parliament of the United Kingdom of *Great*
‘ *Britain* and *Ireland*.’

C A P. I.

An Act to settle an Annuity on Lord *Keane*, and the Two
next surviving Heirs Male of the Body of the said Lord
Keane to whom the Title of Lord *Keane* shall descend, in
consideration of his great and brilliant Services.

[30th *March* 1841.]

‘ Most Gracious Sovereign,
‘ **W**HEREAS Your Majesty, by Your most gracious Message,
‘ hath been pleased to signify that Your Majesty, having
‘ taken into consideration the great and brilliant Services performed
‘ by *John* Lord *Keane*, a Lieutenant General in Your Majesty’s
‘ Army, late Commander of Your Majesty’s and the *East India*
‘ Company’s Forces at the Presidency of *Bombay*, during his Com-
‘ mand of the Army engaged in the Expedition to the Westward
‘ of the *Indus*, and being desirous to confer some signal Mark of
‘ Your Favour, for these and other distinguished Merits, upon the
‘ said *John* Lord *Keane* and the Two next surviving Heirs Male
‘ of the Body of the said *John* Lord *Keane*, recommended to the
‘ House of Commons to adopt such Measures as may be necessary
‘ for the Accomplishment of this Purpose ;’ therefore we, Your
Majesty’s most dutiful and loyal Subjects, the Commons of the
United Kingdom of *Great Britain* and *Ireland*, in Parliament
assembled, duly considering Your Majesty’s gracious Intention, do
most humbly beseech Your Majesty that it may be enacted ; and
be it enacted by the Queen’s most Excellent Majesty, by and with
4 & 5 VICT. B the

An Annuity of 2,000*l.* to be paid to John Lord Keane and his Two next Heirs.

the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an annual Payment or Annuity of Two thousand Pounds shall be paid to *John Lord Keane*, a Lieutenant General in Her Majesty's Army, and late Commander of Her Majesty's and the *East India Company's* Forces at the Presidency of *Bombay*, for his natural Life, and to the Two next surviving Heirs Male of the Body of the said *John Lord Keane* who may succeed to the Title of *Lord Keane*, for their natural Lives respectively; and the said annual Payment or Annuity shall be deemed and considered to have commenced and taken effect upon the Eighth Day of *February* One thousand eight hundred and forty-one, and the first Payment of a proportionate Part thereof, together with the Quarter ending on the Fifth Day of *April*, shall be made on the Fifth Day of *April* One thousand eight hundred and forty-one, and shall thereafter be paid quarterly; (that is to say,) on the Fifth Day of *July*, the Tenth Day of *October*, the Fifth Day of *January*, and the Fifth Day of *April* in every Year; and the said annual Payment or Annuity shall and may be issuing and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* (after paying or reserving sufficient to pay all such Sum and Sums of Money as hath or have been directed to be paid out of the same by any former Act or Acts of Parliament, but with preference to all other Payments which shall or may hereafter be charged upon and payable out of the said Fund); and the Acquittance or Acquittances, Receipt or Receipts, of the said *John Lord Keane*, and the Two succeeding Heirs Male of the Body of the said *John Lord Keane* on whom the Title shall descend, or of such other Person or Persons as shall be duly authorized and appointed by the Person for the Time being entitled to such Annuity to receive such annual Payment or Annuity, or any Part thereof, shall be a good and sufficient Discharge for the Payment thereof; and the said annual Payment or Annuity shall be free and clear from all Taxes, Rates, and Assessments, and all other Charges whatsoever.

Treasury to direct Payment of the Annuity.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being, and they are hereby authorized and required, by any Warrant under their Hands, to direct the Payment of the said Annuity according to the Provision herein-before contained.

Annuity not to be aliened or encumbered.

III. And be it enacted, That the said annual Payment or Annuity of Two thousand Pounds shall be and the same is by this Act vested in the said *John Lord Keane*, and the Two next succeeding Heirs Male of the Body of the said *John Lord Keane* to whom the said Title of *Lord Keane* shall descend, and the same, or any Part thereof, shall not at any Time or Times hereafter be aliened, conveyed, disposed, charged, or encumbered by the said *John Lord Keane*, or by either of the Two next succeeding Heirs Male of the Body of the said *John Lord Keane* on whom the said Title shall descend, for any greater or larger Estate or Time than during the natural Life of the Person so aliening, conveying, disposing, charging, or encumbering the same, so as to prevent the same from descending

descending to the next or succeeding Heir Male of the Body of the said *John Lord Keane* to whom the said Title of Lord *Keane* shall descend, according to the Limitation aforesaid.

C A P. II.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[30th March 1841.]

[*Number of Forces, 92,051. This Act is the same, except as to Dates and the Sections here inserted, as 3 & 4 Vict. c. 6.*]

VII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, in any public Prison, or other Place which the Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment; not exceeding One Month at a Time or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces at the Presidency to which the Offender shall belong, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her

Powers of General Courts-martial.

Majesty, or, if in the *East Indies*, to the Officer commanding-as aforesaid.

Powers of District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service :

In tampering with his Eyes :

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure :

In purloining or selling Government Stores :

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess :

In producing false or fraudulent Accounts or Returns :

In embezzling or fraudulently misapplying Public Money entrusted to him :

Or in committing any Petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military :

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind :

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct ; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service ; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord

accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

XI. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or of Felony, in any Court of Civil Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Forfeiture of Pay and Pension by Desertion; and marking a Deserter.

XIII. And be it enacted, That in certain Cases, where it may be necessary or expedient, Officers of Her Majesty's Marine Forces may sit upon Courts-martial in conjunction with Officers of Her Majesty's Land Forces, and such Courts-martial shall be regulated, to all Intents and Purposes, in like Manner as if they were composed of Officers of the Land Forces only, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and Officers of Her Majesty's Land Forces and Officers in the Service of the *East India* Company, when serving together, may be associated in Courts-martial, which shall, to all Intents and Purposes, be regulated in like Manner as if consisting wholly of Officers of Her Majesty's Land Forces, or wholly of Officers in the Service of the *East India* Company; save and except that on the Trial of any Person in Her Majesty's Land Forces, the Provisions of this Act, and the Oaths thereby prescribed, shall be applicable; and that on the Trial of any Person belonging to Her Majesty's Marine Forces, the Provisions of an Act passed in the present Session of Parliament for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths thereby prescribed, shall be applicable; and on the Trial of any Officer or Soldier in the Service of the *East India* Company the Provisions of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the

Mixture of Officers upon Courts-martial.

Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

Persons subject
to this Act.

XXXII. And be it enacted, That all the Provisions of this Act shall apply to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Forces of the *East India* Company while they shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, and to Persons in the Ordnance and in the Commissariat Departments, who are or shall be serving with any Part of Her Majesty's Forces, at home or abroad, under the Command of any Officer having Commission from Her Majesty, or from His late Majesty King *William* the Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of Her Majesty's Ordnance Establishments at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Offences connected with
Enlistment.

XXXVIII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after

after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the Event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained, before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom such Recruit shall be brought, and who shall be proved upon Oath, before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmary upon being attested, or to have designedly made any false Representation as aforesaid, to adjudge such Person, if in *England or Ireland*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds and Vagrants and incorrigible Rogues; and to adjudge such Person, if in *Scotland*, to be imprisoned in any Prison or House of Correction for any Period not exceeding Six Months, and with or without hard Labour; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service or any other Money, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, shall

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve within the United Kingdom of *Great Britain and Ireland*, in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Penalty on purchasing Soldiers
Necessaries,
Stores, &c.

LXVI. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier knowing him to be such, to sell, any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence, in addition to the Forfeiture of Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the

convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty if not exceeding Twenty Pounds to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed; Provided always, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

C A P. III.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [30th March 1841.]

[*This Act is the same, except as to Dates and the Sections here inserted, as 3 & 4 Vict. c. 8.*]

IV. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

not

not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad: Provided always, that no Person within the United Kingdom of *Great Britain* and *Ireland* or the *British Isles* shall be subject by such Rules and Articles to be transported as a Felon or to suffer any Punishment extending to Life or Limb for any Crime which is not expressed to be so punishable by this Act, nor in any Manner which shall not accord with the Provisions of this Act.

General
Courts-martial
may sentence
Offenders to
Imprisonment,
&c.

X. And be it enacted, That a General Court-martial may sentence any Marine to Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which the Court may appoint, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; but no such solitary Confinement shall exceed One Month at a Time or Three Months at different Times, with Intervals of not less than One Month between such Times in One Year; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay and Pension on Discharge which might have otherwise accrued from the Length of his former Service or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whosoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any certain Term of Years, or to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall be pleased to direct, or if such Offender shall have enlisted for any limited Term, may sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall be pleased to direct; and such Court may, in addition to any other Punishment, sentence any such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to Her Majesty shall seem meet.

XI. And

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies*, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, whether assembled under the Authority of this Act, or of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with Her Majesty's Land Forces or otherwise, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court may appoint, or to Corporal Punishment not extending to Life or Limb, for any such Offence; but no such solitary Confinement shall exceed One Month at a Time or Three Months at different Times, with Intervals of not less than One Month between such Times in One Year; and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct in wilfully maiming or injuring himself or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military, Divisional, or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling; or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor, or of his Allowance in lieu of Beer or Liquor, or of any Proportion thereof, or of any Portion of additional or daily Pay, for any Period not exceeding Two Years, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed

by

District or
Garrison
Courts-martial.

by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial: Provided always, that such District or Garrison Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Offences connected with Enlistment.

XL. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the Event of such Recruit being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into a Garrison or Veteran or Invalid Battalion, and shall be entitled to receive such Proportion or Residue of Bounty only as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may allow in that Behalf instead of the Bounty upon which such Man shall have been enlisted, any Act or any Rules and Regulations to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom any Recruit shall be brought, and who shall be proved upon Oath before them to have wilfully concealed his having been a Marine or Soldier and discharged, or to have concealed his having been

been discharged on any prior Enlistment, or to have wilfully concealed any Infirmary upon being attested, or designedly made any false Representation, to adjudge such Person, if in *England* or *Ireland*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted on Rogues and Vagabonds and Vagrants and incorrigible Rogues, and to adjudge such Person, if in *Scotland*, to be imprisoned in any Prison or House of Correction for any Period not exceeding Six Months, and with or without hard Labour; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall thereby obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marines, or Ordnance, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man who, having been enrolled to serve in the Militia, and who at the Time of offering to enlist into the Marines shall deny that he is a Militia Man, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Forces

Forces in which he has so enlisted during the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

C A P. IV.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-one. [30th March 1841.]

C A P. V.

An Act to facilitate the Recovery of Arrears of Tithe Compositions in *Ireland* vested in Her Majesty under the Provisions of an Act of the First and Second Years of Her present Majesty, for abolishing Compositions for Tithes in *Ireland*, and for substituting Rent-charges in lieu thereof. [30th March 1841.]

1&2 Vict. c.109. 3 & 4 Vict. c. 13.

‘ **W**HEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in Ireland, and to substitute Rent-charges in lieu thereof*: And whereas an Act was passed in the last Session of Parliament, amending the said Act; and it was thereby, among other things, enacted, that in any Petition to be presented under the said first-mentioned Act by Her Majesty’s Attorney General for *Ireland* to the Court of Chancery or Exchequer in *Ireland*, or to the Court of any Assistant Barrister or Chairman, for the Recovery of any Arrears of Tithe Composition vested in Her Majesty under and by the Operation of the Provisions of the said Act, it should be lawful to include all or any Two or more of the Persons in default who should be named and distinguished, in the Schedule annexed to any Memorial for Relief presented to the Lord Lieutenant and Privy Council in *Ireland* under the said first-mentioned Act, as having such Estates or Interests as in the said Act described in the Lands charged with any Composition due and in arrear, and that the Court to which any such Application might be made by Petition might from Time to Time proceed thereon as against any One or more of the Persons therein named as Defaulters who should appear to have had due Notice thereof, although such Notice might not be proved to have been given to any other or others of the Persons named therein: And whereas it is expedient, for the more cheap and easy Recovery of the Arrears of Tithe Compositions vested in Her Majesty as aforesaid, further to amend the said Act;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Petition to be presented under the said Act or Acts by the said Attorney General to any of the said

Any Number of Defaulters may be included in

said Courts for the Recovery of any Arrears of Tithe Composition vested in Her Majesty as aforesaid, it shall be lawful to include all or any Two or more of the Persons in default who shall be named and distinguished, in the several Schedules annexed to all or any Two or more of the Memorials presented to the said Lord Lieutenant and Privy Council for Relief under the said Act in respect of Compositions for Tithes charged upon or accrued due in respect of Lands situate in one and the same Diocese, or in any Two or more united Dioceses, as having in such Lands respectively the Estates or Interests in the said first-mentioned Act described; and that it shall be lawful from Time to Time to amend any Petition which may be filed under the said Acts and this Act, or any of them, by adding Parties thereto.

One Petition in respect of Arrears due in the same Diocese.

Petition may be amended.

II. And be it enacted, That the Court to which Application may be made by Petition as aforesaid under the said recited Acts and this Act, or any of them, may from Time to Time proceed thereon as against all or any of the Parties therein named as Defaulters, although they or any of them may not have had Notice of such Petition previous to the filing of the same: Provided always, that no such Court shall make any Order adjudicating upon the Liability of any such Party to pay any Sum of Money, or directing the Payment of any Sum of Money by any such Party, unless such previous Notice shall have been served upon such Party, or unless Fourteen Days Notice that such Petition has been filed, or that some Order has been made appointing a Time for the Hearing thereof, shall have been first served upon such Party.

Proceedings may be had on Petition without Notice; but Orders for Payments not to be made without Notice.

III. And be it enacted, That any Notice to be given or served in pursuance of the said Act of the last Session of Parliament, or of this Act, shall be given or served in the Manner provided by the said first-recited Act in reference to the giving of Notices thereunder: Provided always, that in case any Person who shall be proceeded against as such Defaulter shall not have any Place of Abode in *Ireland*, or shall be a Minor or Lunatic, and in case there shall be an Agent or Receiver, Committee or Guardian in actual Receipt of the Rents of the Lands in respect of which the Arrears shall be claimed as due, for which such Proceeding shall be had, then and in such Case such Notice shall be given or served upon such Agent or Receiver, Committee or Guardian, or at his usual or last Place of Business or usual or last Place of Abode, or on such Person or Persons or in such Manner as the Court shall order.

Service of Notices.

IV. And be it enacted, That this Act and the Two herein-before mentioned Acts shall be construed together as One Act.

Acts to be construed together.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be amended, &c.

C A P. VI.

An Act to continue, until the Fourth Day of *August* One thousand eight hundred and forty-two, and to the End of the next Session of Parliament, the several Acts for regulating Turnpike Roads in *Ireland* which will expire at or before the End of the present Session of Parliament, or at or before the End of the Session of Parliament next after the Fourth Day of *August* One thousand eight hundred and forty-one; and to amend the Acts for regulating Turnpike Roads in *Ireland*. [6th April 1841.]

‘ **W**HEREAS it is expedient that the several Acts for regulating Turnpike Roads in *Ireland*, herein-after referred to, ‘ should be amended, and continued for a limited Time;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in *Ireland*, which will expire at or before the End of the present Session of Parliament, or at or before the End of the Session of Parliament next after the Fourth Day of *August* One thousand eight hundred and forty-one, shall be and the same is hereby continued, as amended by this Act, until the Fourth Day of *August* One thousand eight hundred and forty-two, and if Parliament shall be then sitting, until the End of the then Session of Parliament.

Expiring Turnpike Acts continued until 4th Aug. 1842.

Manure exempted from Toll after the Time when the present Turnpike Acts would have expired, if not continued by this Act.

II. ‘ And whereas several of the Acts by this Act continued ‘ contain no Exemption from Toll for Horses, Beasts, or other ‘ Cattle, Carts or Carriages, employed in carrying Manure, and it ‘ is expedient that the same shall be so exempted, from and after ‘ the Time or Times respectively when this Act will take effect, in ‘ respect of the several Turnpike Roads regulated by such Acts;’ be it therefore enacted, That from and after the Time or Times respectively when, if this Act had not been made, the several Acts by this Act continued would have expired, no Toll shall, save as herein-after provided, be demanded or taken, by virtue of any Act so continued by this Act, on any Turnpike Road, for any Horse, Beast, or other Cattle, Cart or Carriage, drawing or carrying only Dung, Soil, Mould, Marl, Lime, or Compost, for improving or manuring Land, or going empty, or loaded only with Implements necessary for more convenient Carriage of or loading or unloading such Lading, or returning empty, having been so laden, or with such Implements as aforesaid.

Tolls to be paid for Carts, &c. going empty for Manure, and to be repaid on returning.

III. Provided always, and be it enacted, That for the preventing of Frauds on Toll Collectors under pretence of going for Manure, the Owner or Driver of any Horse, Beast, or other Cattle, Cart or Carriage, passing through any Turnpike Gate empty or unladen, or loaded only with Implements necessary for the more convenient Carriage of or for loading or unloading Manure as aforesaid, shall, notwithstanding the Exemption herein-before contained in respect of Horses, Beasts, or other Cattle, Carts or Carriages, going for Manure, pay the Toll to which they would have been liable if this Exemption had not been established, before the same shall be permitted

mitted to pass through such Gate; and the Collector of such Toll shall, upon Claim of such Exemption under this Act, deliver to such Owner or Driver a Ticket marked "Manure Exemption," with the Name of the Gate, and the Date when so delivered, and the Amount of the Toll so paid, which Toll shall be repaid to such Owner or Driver upon returning with such Horse, Beast, or other Cattle, Cart or Carriage, so laden as aforesaid, and producing such Ticket; and every Collector of such Toll refusing to give such Ticket on receiving the Toll, and Claim of such Exemption, or refusing or neglecting to repay such Toll on the Return of such Horse, Beast, or other Cattle, or Cart or Carriage, so laden, and Redelivery of such Ticket, shall for every such Offence forfeit and pay to the Owner of such Horse, Beast, or other Cattle, or Cart or Carriage, a Penalty of not more than Five Pounds, upon Conviction thereof before any One or more Justice or Justices of the Peace for the County or Place wherein such Offence shall be committed, upon the Oath of any One or more credible Witness or Witnesses.

Penalty for not repaying Toll, 5*l*.

IV. And be it enacted, That on or before the Day when this Act shall take effect in respect of each Turnpike Road the Trustees or Commissioners of such Road shall and they are hereby required to alter or cause to be altered the List of Tolls by them maintained at every Toll Gate within their respective Districts, so as to notify the Exemption by this Act created, and they shall also provide the Tickets denoting such Exemption, as herein-before required, for the Use of the Collectors at such Gates.

Trustees to give Notice of this Exemption.

V. ' And whereas, by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in Ireland*, the Commissioners acting in execution thereof were authorized to make Loans and Advances, upon the Terms and Conditions, and with the Powers, Privileges, and Authorities for the Security and Recovery of such Loans and Advances, therein mentioned; and it was by the said Act further enacted, that from and after the Appointment of the Commissioners for the Execution of the said Act, the Powers and Authorities of the Persons theretofore appointed Commissioners by virtue of any Power derived from any of the Acts therein and herein-after enumerated, for the Execution of the same, in *Ireland*, should wholly cease and determine, and that all such Powers and Authorities should vest in and devolve upon the Commissioners for the Execution of the said Act of the First and Second Years of the Reign of His said Majesty King *William* the Fourth, and such Commissioners were thereby required and authorized and empowered to exercise all such Powers and Authorities as might have been vested in or conferred upon the Commissioners acting in *Ireland* under or by virtue of any of the Acts therein and herein-after enumerated; (that is to say,) an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and the Employment of the Poor in Great Britain, in*

Powers of Commissioners under 1 & 2 W. 4. c. 33. for Recovery of Loans, extended to Loans under the herein-after recited previous Loan Acts to Trustees of Turnpike Roads.

57 G. 3. c. 34.

- 57 G. 3. c. 124. *manner therein mentioned; also an Act passed in the same Session of Parliament, intituled An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and for the Advance of Money for carrying on Public Works and Fisheries and the Employment of the Poor; also an Act passed in the Fifty-eighth Year of the Reign of His said Majesty King George the Third, intituled An Act to amend Two Acts, made in the last Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and the Employment of the Poor, and to extend the Powers of the Commissioners appointed for carrying the said Acts into execution in Ireland; also an Act passed in the First Year of the Reign of His late Majesty King George the Fourth, intituled An Act to amend and continue Two Acts, passed in the Fifty-seventh Year of His late Majesty King George the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to extend the Powers of the Commissioners for executing the said Acts in Great Britain; also an Act passed in the same Session of Parliament, intituled An Act to amend several Acts, made in the Fifty-seventh and Fifty-eighth Years of His late Majesty, for the Advance of Money for carrying on Public Works, and for other Purposes, so far as the said Acts relate to Ireland; also an Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts; also another Act passed in the same Session of Parliament, intituled An Act to authorize the further Advance of Money out of the Consolidated Fund for the Completion of Works of a public Nature, and for the Encouragement of the Fisheries in Ireland; also an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled An Act to amend the several Acts for the Assistance of Trade and Manufactures, and the Support of Commercial Credit, in Ireland; also an Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled An Act to amend and render more effectual the several Acts for the issuing of Exchequer Bills for Public Works; also an Act passed in the same Session of Parliament, intituled An Act to amend the Acts for the Issue of Exchequer Bills for Public Works; also an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled An Act to render more effectual the several Acts for authorizing Advances for carrying on Public Works, so far as relates to Ireland; also an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled An Act to amend the several Acts for authorizing Advances for carrying on Public Works; and to extend the Provisions thereof in certain Cases; also an Act passed in the Seventh and Eighth Years of the Reign of His said late Majesty King George the Fourth, intituled An Act to*
- 1 G. 4. c. 60. *amend*
- 1 G. 4. c. 81. *amend*
- 3 G. 4. c. 86. *amend*
- 3 G. 4. c. 112. *amend*
- 4 G. 4. c. 42. *amend*
- 5 G. 4. c. 36. *amend*
- 5 G. 4. c. 77. *amend*
- 6 G. 4. c. 35. *amend*
- 7 G. 4. c. 30. *amend*
- 7 & 8 G. 4. c. 12. *amend*

‘ amend an Act of the First Year of His present Majesty, for the
 ‘ Advance of Money for carrying on Public Works in Ireland;
 ‘ and also another Act passed in the same Session of Parliament,
 ‘ intituled *An Act for the further Amendment and Extension of the* 7 & 8 G. 4. c. 47.
 ‘ *Powers of the several Acts authorizing Advances for carrying on*
 ‘ *Public Works*: And whereas sundry Loans made to the Trustees
 ‘ or Commissioners of several Turnpike Roads in *Ireland*, under
 ‘ the said last-mentioned Acts, are still due and outstanding, and
 ‘ it is expedient to give the said Commissioners of Public Works
 ‘ the same Powers, Privileges, and Authorities, for recovering and
 ‘ levying the Money due on Foot of such Loans or Advances, as
 ‘ they possess in respect of such like Loans or Advances made
 ‘ under the said Act of the First and Second Years of the Reign
 ‘ of His said Majesty King *William* the Fourth, and the Acts
 ‘ amending the same;’ be it therefore enacted, That in all Cases of
 Loans or Advances at any Time made to the Trustees or Commis-
 sioners of any Turnpike Road or Roads in *Ireland*, under the said
 Acts of the Fifty-seventh and Fifty-eighth Years of the Reign of
 His Majesty King *George* the Third, or of the First, Third, Fourth,
 Fifth, Sixth, Seventh, or Seventh and Eighth Years of the Reign of
 His Majesty King *George* the Fourth, herein-before mentioned, or
 any of them, the said Commissioners of Public Works shall have
 all such and the like Powers, Privileges, Remedies, Advantages,
 and Authorities, for the Purpose of recovering or compelling Pay-
 ment of any such Loan or Advance, or any Part thereof, or the
 Interest thereon, now or which may hereafter become due and in
 arrear, as the said Commissioners may now by Law have in respect
 of any Loan or Advance made to the Trustees or Commissioners
 of any Turnpike Road or Roads under the said recited Act of the
 First and Second Years of the Reign of His late Majesty King
William the Fourth, or any Act amending the same, or in respect
 of any Default in the Payment of such Loan or Advance, or the
 Interest thereon; and that all and every the Clauses and Provisions
 therein contained for the Repayment and Recovery of any such
 Loan or Advance, or the Interest thereon, and for enabling the
 said Commissioners, in default thereof, to enter into possession of
 and receive any Rates, Rents, Tolls, Receipts, or Profits, on the
 Credit whereof any Loan or Advance may have been made, shall
 extend to all Loans and Advances at any Time made to the Trus-
 tees or Commissioners of any Turnpike Road or Roads under the
 said recited Acts of the Fifty-seventh and Fifty-eighth Years of the
 Reign of His Majesty King *George* the Third, or of the First,
 Third, Fourth, Fifth, Sixth, Seventh, or Seventh and Eighth Years
 of the Reign of His Majesty King *George* the Fourth, or any of
 them, as if such Clauses and Provisions had been contained in such
 last-mentioned Acts, or as if such Loan or Advance had been made
 under the said recited Act of the First and Second Years of the
 Reign of His late Majesty, or of any Act amending the same:
 Provided always, that nothing herein contained shall extend or be
 construed to deprive any Persons holding prior Mortgages, As-
 signments, or other Securities on such Turnpike Trusts of any
 Advantage which by reason of such Priority they might have in
 case this Act had not been passed.

Saving of
 Rights of prior
 Creditors.

Any Proceedings for the Recovery of Loans, &c. heretofore taken may be dismissed, and others taken.

VI. And be it enacted, That it shall and may be lawful for the said Commissioners of Public Works to use and exercise, for the Purpose aforesaid, all the Powers, Privileges, Remedies, Advantages, and Authorities aforesaid, notwithstanding any other Mode of proceeding may have been already taken by them; and that in case they shall think fit that any Suit or other Proceeding at Law or in Equity, for the Recovery of any outstanding Loan or other such Purpose as aforesaid, heretofore commenced or which at any Time hereafter may be commenced by them, should be stayed or dismissed, it shall be lawful for the Court wherein such Suit or other Proceeding may be pending, upon Motion on the Part of the said Commissioners, at its Discretion, to stay or dismiss the same, and to make such Order in respect of the Costs thereof as to such Court shall seem fit; and in case such Court shall direct the Payment of any Costs by the said Commissioners, it shall be lawful for them to apply any Monies by them recovered or received on account of such outstanding Loan in discharge of such Costs.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. VII.

An Act to amend the Acts of the last Session for taking Account of the Population. [6th April 1841.]

3 & 4 Vict. c. 99.
3 & 4 Vict. c. 100.

‘WHEREAS the Acts passed in the last Session of Parliament, intituled respectively *An Act for taking an Account of the Population of Great Britain*, and *An Act for taking an Account of the Population in Ireland*, require to be amended;’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Accounts required by the first-recited Act to be taken on *Thursday* the First Day of *July* shall be taken on *Monday* the Seventh Day of *June*, and if it be found necessary on One or more of the Days then next following, instead of the First Day of *July*, and shall be Accounts of the living Persons who abode in the several Districts therein described on the Night of *Sunday* the Sixth Day of *June*, instead of *Wednesday* the Thirtieth Day of *June*; and the Accounts required by the same Act to be taken of houseless Persons, and of Persons travelling and on Ship-board, or who for any other Reason were not abiding in any House, shall also refer to the said Night of *Sunday* the Sixth Day of *June*, instead of *Wednesday* the Thirtieth Day of *June*; and the Accounts required by the Act secondly recited to be taken in the Month of *July* shall be taken on the Seventh Day of *June*, and, if it be found necessary, on One or more of the Days then next following.

Census to be taken on 7th June and following Days, instead of the 1st of July.

Accounts to be verified in Scotland before 30th of June.

II. And be it enacted, That the Times to be appointed by the Sheriff Deputes or their Substitutes, and the Provosts or other Chief Magistrates of the Burghs, for the Attendance of the Schoolmasters and other Persons with their Returns, shall be not sooner than the Fifteenth Day of *June* and not later than the last Day of *June* in this Year, instead of the Times by the first-recited Act limited;

limited; and when such Returns shall be verified before a Justice of the Peace, as by the said Act in certain Cases is provided, the Schedule shall be transmitted to the Sheriff Deputes or their Substitutes before the last Day of *June*.

III. And be it enacted, That the Persons charged with taking the said Accounts shall not be required to ascertain the Age of any Person above the Age of Fifteen Years more nearly than is herein provided, nor shall any Person be liable to any Penalty for refusing to tell his or her Age to any Person so charged more nearly than is herein provided; and every Person aged Fifteen Years and not aged Twenty Years may be set down as aged Fifteen Years, and every Person aged Twenty Years and not aged Twenty-five Years may be set down as aged Twenty Years; and in like Manner the Age of every Person may be set down as that Multiple of Five Years which either expresses his or her real Age, or is next below his or her real Age.

How Age shall be reckoned.

IV. And be it enacted, That the Overseers of the Poor in every Parish, Township, and Place in *England* and *Wales*, and the Constables, Tithingmen, Headboroughs, or other Peace Officers for such Parishes, Townships, and Places, and the Relieving Officers in any Union formed under the Act for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*, shall be bound to act as Enumerators under the first-recited Act and this Act, within their respective Townships, Parishes, Unions, and Places, if required so to act by the Commissioners appointed under the first-recited Act; and every such Overseer, Relieving Officer, Constable, Tithingman, Headborough, and other Peace Officers, who shall refuse or wilfully neglect so to act and duly to perform the Duties required of the said Enumerators by the said Act as amended by this Act, shall for every such Offence forfeit a Sum not more than Ten Pounds or less than Five Pounds, at the Discretion of any Justice of the Peace to whom Complaint thereof shall be made by or on behalf of the said Commissioners, to be recovered, in case of Nonpayment, by Distress and Sale of the Goods of such Offender.

Overseers, Relieving Officers, and Peace Officers bound to act as Enumerators.

V. And be it enacted, That Schedules shall be prepared, under the Direction of the said Commissioners, for the Purpose of being filled up by the several Occupiers of Dwelling Houses as hereinafter provided; and the Registrars in *England* and *Wales*, and the Schoolmasters and other Persons charged with taking the said Account in *Scotland*, shall, in the course of the Week ending on *Saturday* the Fifth Day of *June* in this Year, leave or cause to be left at every Dwelling House within their District One or more of the said Schedules for the Occupier or Occupiers thereof or of any Part thereof; and upon every such Schedule shall be plainly expressed that it is to be filled up by the Occupier of such Dwelling House, (or where such Dwelling House is let in different Stories or Apartments, and occupied distinctly by different Persons or Families, by the Occupier of each such distinct Story or Apartment,) and that the Person charged with taking the said Account will collect all such Schedules within his District on the *Monday* then next following; and every Occupier of any Dwelling House, or of any distinct Story or Apartment in any Dwelling House, with or for whom any such Schedule shall have been left as afore-

Schedules may be left at Dwelling Houses.

Occupiers to fill up the Schedules, and sign and deliver

them when required.

Penalty for Neglect.

Schedules to be collected from House to House, and corrected if found to be erroneous.

How Account of Parliamentary Burghs to be taken.

So much of 3 & 4 Vict. c. 99. as authorizes Commissioners to prepare Allowance Table repealed.

Justices in Sessions to allow Compensation to Enumerators, &c. and order Payment thereof out of the Poor Rates.

said, shall fill up the said Schedule to the best of his or her Knowledge and Belief, so far as relates to all Persons dwelling in the House, Story, or Apartment occupied by him or her, and shall sign his or her Name thereunto, and shall deliver the Schedule so filled up, or cause the same to be delivered, to the Person charged with taking the said Account, when required so to do; and every such Occupier who shall wilfully refuse, or without lawful Excuse neglect, to fill up the said Schedule to the best of his or her Knowledge and Belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false Return of all or any of the Matters specified in the said Schedule, shall forfeit a Sum not more than Five Pounds or less than Forty Shillings, at the Discretion of any Justice of the Peace or Magistrate before whom Complaint thereof shall be made, to be recovered, in case of Nonpayment, by Distress and Sale of the Goods of such Offender.

VI. And be it enacted, That the Persons charged with taking the said Accounts in *Great Britain* shall collect all the Schedules so left within their District from House to House, and, so far as may be possible, on the said *Monday* the Seventh Day of *June*, and shall complete such of the Returns so made to them as upon Delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the Returns so made to them, when completed and corrected, into the Account which, by the first-recited Act, they are required to take of the Persons living within their several Districts, and shall add thereunto the Accounts which they shall have taken of all the other Persons living within their District, in the Manner prescribed by the said Act, who shall not be included in the Returns so made to them.

VII. And be it enacted, That all Provisions in the first-recited Act contained with respect to the Royal Burghs in *Scotland* shall apply to every Burgh in *Scotland*, whether or not a Royal Burgh, which now returns or contributes to return a Member or Members to Parliament, and in which there is a Provost and Magistrates, and to none others.

VIII. And be it enacted, That so much of the first-recited Act as provides that the Commissioners shall prepare a Table of Allowances to any Parish Clerk or other Person who shall have assisted the Rector, Vicar, Curate, or other officiating Minister in *England*, or to any Sheriff Clerk, Town Clerk, or Schoolmaster in *Scotland*, or to any Person employed in the Execution of the said Act, other than the Enumerators, Registrars, and Superintendent Registrars employed in *England* and *Wales* in the Execution of the said Act, shall be repealed.

IX. And be it enacted, That the Justices of the Peace in Special or Petty Session assembled, having Jurisdiction in any Parish, Township, Chapelry, or Place in *England* and *Wales*, shall allow to the several Overseers, Constables, and other Peace Officers, and Relieving Officers, who shall be required to act as Enumerators under this Act, a reasonable Compensation, instead of the Allowance to Enumerators as fixed by the said Commissioners, for their Labour and Trouble necessarily undertaken, and also for their Expences

pences (if any) necessarily incurred by them in the Execution of the first-recited Act and this Act; and shall also allow to the Parish Clerk or other Person who shall have assisted the Rector, Vicar, Curate, or other officiating Minister in the Execution of the first-recited Act, a reasonable Compensation for so doing, upon his producing a Certificate from the said officiating Minister to that Effect; and shall order Payment thereof to be made out of the Poor Rates of such Parish, Township, or Place, and such Payments shall be paid by the Overseers, and shall be allowed in their Accounts.

X. And be it enacted, That the Sheriff Deputes or their Substitutes and Provosts of the Royal Burghs and other Burghs in *Scotland* herein specified shall allow to the Schoolmasters and others a reasonable Compensation for the Trouble by them necessarily taken, and also for the Expences (if any) by them necessarily incurred, in the Execution of this Act, and shall order Payment thereof, and also of the Sums respectively payable to the Sheriff's Clerk or Town Clerk, and to the Sheriff's Officer or Town Officer, to be made by the Collector of the Land Tax of and for the Shire or other Place (as the Case shall require) out of any Money in his Hands, and such Collector shall pay the same accordingly.

Sheriff Deputes, &c. in Scotland to allow Compensation to Schoolmasters and others.

XI. And be it enacted, That the Two recited Acts, as amended by this Act, shall be construed with and as Part of this Act.

Recited Acts to be construed with this Act. Act may be amended, &c.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

C A P. VIII.

An Act to reduce the Duty on Rum and Rum Shrub the Produce of and imported from certain *British* Possessions in the *East Indies* into the United Kingdom.

[6th April 1841.]

‘ WHEREAS it is expedient to reduce the Duties now payable by Law upon the Importation into the United Kingdom of Rum and Rum Shrub the Produce of certain *British* Possessions within the Limits of the *East India* Company's Charter into which the Importation of Foreign Sugar is or shall hereafter be prohibited: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That instead of the Duties now imposed upon Rum and Rum Shrub the Produce of any such *British* Possession within the Limits of the *East India* Company's Charter there shall be raised, levied, collected, and paid unto Her Majesty, on the Importation of the same into the United Kingdom, the following Duty, in like Manner as if the same had been imposed in and by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting Duties of Customs*; (that is to say,)

Duties on Rum and Rum Shrub the Produce of certain East Indian Possessions reduced.

For every Gallon of Rum of any Strength not exceeding the Strength of Proof by *Sikes's* Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for every greater or less Quantity than a Gallon, being the Produce of any *British* Possession within the Limits

3 & 4 W. 4. c. 56.

of the *East India Company's Charter*, not being sweetened or mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer, Nine Shillings and Four-pence :

For every Gallon of Rum Shrub, however sweetened, the Produce of and imported from such Possession, and so in proportion for any greater or less Quantity than a Gallon, Nine Shillings and Four-pence.

Of what Places
such Rum, &c.
to be the Pro-
duce.

II. Provided always, and be it enacted, That such Rum or Rum Shrub shall be the Produce of some *British* Possession within the Limits of the *East India Company's Charter* into which the Importation of Foreign Sugar shall have been prohibited.

Under what
Circumstances
Act to come
into operation.

III. Provided also, and be it enacted, That this Act shall not come into operation until satisfactory Proof shall have been laid before Her Majesty in Council that Rum and Rum Shrub the Produce of any Foreign Country, or of any *British* Possession into which Foreign Sugar or Rum can be legally imported, have been prohibited to be imported into any of the *British* Possessions within the Limits of the *East India Company's Charter*, on the Importation from which of Rum or Rum Shrub the Duty of Nine Shillings and Four-pence *per* Gallon is hereby imposed, nor until the Governor General of *India* in Council shall have passed an Act containing such Regulations for the Prevention of Frauds by the Admixture of Spirits made from Rice, Grain, or other Substances, not being the Produce of the Sugar Cane or of the Date or Palm Tree, with the Rum or Rum Shrub to be exported under this Act, or otherwise, as in the Opinion of the said Governor General in Council shall be calculated for that Purpose; and in the event of any such Prohibition, and of the Enactment of such Regulations, it shall be lawful for Her Majesty, by and with the Advice of the Privy Council, or by Her Majesty's Order in Council, to be published from Time to Time in the *London Gazette*, to allow the Importation of Rum or Rum Shrub the Produce of the Possessions aforesaid to be admitted to Entry in the United Kingdom at the Duties hereby imposed.

Certificate of
Origin.

IV. And be it enacted, That before any such Rum or Rum Shrub shall be entered in the United Kingdom as being the Produce of any such *British* Possession the Master of the Ship importing the same shall deliver to the Collector or Comptroller of the Customs, at the Port of Importation, a Certificate under the Hand and Seal of the Collector of the Sea Customs of the Port where such Rum or Rum Shrub was taken on board, testifying that there had been produced to him by the Shipper of such Rum or Rum Shrub a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Rum or Rum Shrub was produced that the same was of the Produce of such District; and the said Collector of Sea Customs shall, in the Certificate which he is hereby required to give, state the Name of the District or Districts in which such Rum or Rum Shrub was produced, the Quantity and Strength thereof, the Number and Denomination of the Packages containing the same, the Name of the Ship in which it is about to be laden and of the Master thereof; and that the Master of the Vessel importing such Rum or Rum Shrub shall also

also make a Declaration before the Collector and Comptroller that such Certificate was received by him at the Place where such Rum or Rum Shrub was taken on board, and that the Rum or Rum Shrub so imported is the same as is mentioned therein.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

VI. Provided always, and be it enacted, That it shall be lawful for the Governor General of *India* in Council to appoint any Officer or Officers, other than the said Collector and Assistant Collector of Land Revenue and the Collector of Customs, to give such Certificate. Who may appoint Officer to give Certificates.

C A P. IX.

An Act for removing Doubts as to the Continuance of certain Local Turnpike Acts. [6th April 1841.]

‘ **W**HEREAS sundry Acts were passed in the Fourth, Sixth, and Seventh Years of the Reign of His late Majesty, and in the First, Second, Third, and Fourth Years of the Reign of Her present Majesty, for continuing, for the Times therein respectively specified, certain Acts for regulating Turnpike Roads, which, but for the passing of such first-mentioned Acts, with the Exceptions in all or some of such Acts mentioned, would have expired : And whereas it was intended that by the first-mentioned Acts all Local Acts for regulating Turnpike Roads in *Great Britain*, which, but for the said first-mentioned Acts, would have expired with the Session of Parliament in the Year One thousand eight hundred and thirty-four, or at any Time since, or will expire at or before the End of the Session of Parliament in the Year One thousand eight hundred and forty-one, should (with the Exceptions in the first-mentioned Acts specified) be continued until the First Day of *June* in the Year One thousand eight hundred and forty-two, and, if Parliament shall then be sitting, until the End of that Session ; but by reason of Differences in the Words used in the Titles and in the Enactments of some of the said first-mentioned Acts Doubts have arisen whether such Intention has been duly carried into effect, and it is expedient that such Doubts be removed :’ Be it therefore declared and enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Local Acts for regulating, making, amending, or repairing Turnpike Roads in *Great Britain* (except as above excepted) which, unless continued by some Public General Act, would have expired with the Session of Parliament in the Year One thousand eight hundred and thirty-four, or at any Time since, or will expire at or before the End of the Session of the Year One thousand eight hundred and forty-one, have continually been, and now are and shall continue to be, in full Force and Effect until the First Day of *June* in the Year One thousand eight hundred and forty-two, and, if Parliament shall then be sitting, until the End of that Session of Parliament.

4 & 5 W. 4. c. 10.
5 & 6 W. 4. c. 49.
6 & 7 W. 4. c. 62.
7 W. 4. &
1 Vict. c. 18.
1 & 2 Vict. c. 68.
2 & 3 Vict. c. 31.
3 & 4 Vict. c. 45.

Certain Local Acts declared to have been and to be in force until 1st June 1842.

C A P. X.

An Act for extending to the County of the City of *Dublin* the Provisions of an Act passed in the Nineteenth and Twentieth Years of His late Majesty King *George* the Third, in *Ireland*, intituled *An Act to prevent the detestable Practices of houghing Cattle, burning of Houses, Barns, Haggards, and Corn, and for other Purposes*, so far as relates to burning of Houses. [6th April 1841.]

19 & 20 G. 3. (I.) **W**HEREAS an Act was passed in the Parliament of *Ireland* in the Nineteenth and Twentieth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent the detestable Practices of houghing Cattle, burning of Houses, Barns, Haggards, and Corn, and for other Purposes*, whereby, and by Two Acts therein recited, passed respectively in the Seventh and Ninth Years of the Reign of His Majesty King *William* the Third, Provision was made for the Indemnification of Persons suffering in Counties at large such malicious Injuries as in the said Acts mentioned; and it is desirable that the Benefit of the said Act, as far as the same relates to the burning of Houses, Barns, Haggards, and Corn, and other Articles and Effects, be extended to the Inhabitants of the County of the City of *Dublin*: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of the said recited Acts shall be and the same are hereby extended to the County of the City of *Dublin*, as far as relates to the malicious burning of Houses, Barns, Haggards, Corn, or other Articles or Effects.

Certain Provisions of recited Acts extended to *Dublin*.

Notices of Damage to be given to Churchwardens, &c.

II. Provided always, and be it enacted, That the Notices directed in the said recited Acts or any of them to be given by every Person so damnified be or shall have been, in the County of the said City, given to the Churchwardens of the Parish in which such Damage shall have been done, or any of them, and to the Lord Mayor of the said City, or to the Secretary of the Grand Jury.

Sufferers of Loss by malicious Burning in *Dublin* entitled to Satisfaction by Petition to Court of Q. B.

III. Provided always, and be it enacted, That all Persons who may have suffered or shall suffer any Loss or Damage from such malicious Burning as in the said Acts or any of them and hereinbefore mentioned, at any Time since the First Day of *January* One thousand eight hundred and forty-one, or after the passing of this Act, shall be entitled to receive Satisfaction and Amends for such Injuries within the County of the said City of *Dublin* by exhibiting at the next Presenting Term in the Court of Queen's Bench after the Offence committed, or, after the passing of this Act, exhibit such Petition for Satisfaction as is under the said Act and the Acts therein mentioned required to be exhibited to the Judge or Judges of Assize; and in examining, directing, and acting on such Petition the Court of Queen's Bench shall have and exercise the same Authority as under the said Acts is given to the Judge or Judges of Assize; and upon any such Petition such Examination shall be made, and such Presentment shall also be made, by the Grand Jury of the said County of the City of *Dublin*, and

Court of Q. B., in Cases arising under this Act, to exercise the like Authority as Judges of Assize under recited Act.

in such Manner as by the said Acts or any of them was required to be made upon any Petition to be thereunder presented at any Assizes; and a Traverse of any such Presentment may be made, and such Traverse may be tried at the same or the next ensuing Presenting Term, in like Manner as any Traverse might be made under the said Acts or any of them at the Assizes at which any such Presentment might be had thereunder, or as such Traverse might be tried at the same or the next ensuing Assizes: Provided always, that any Sum of Money so presented for Damages (in case the Presentment be not discharged upon such Traverse as aforesaid) shall be levied and raised off the said County of the City of *Dublin* as the Amount of any other Presentment for the said County of the City of *Dublin* is or may be now levied and raised.

C A P. XI.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-two; and for the Relief of Clerks to Attornies and Solicitors in certain Cases. [10th May 1841.]

[*This Act is the same, except as to Dates, as 3 & 4 Vict. c. 16., except also that § 9. in that Act is omitted in this.*]

C A P. XII.

An Act to enable Her Majesty's Commissioners of Woods to make a new Street from *Coventry Street, Piccadilly*, to *Long Acre*, and for other Improvements in the Metropolis.

[10th May 1841.]

‘ **WHEREAS** an Act was passed in the Second and Third
 ‘ Year of the Reign of Her present Majesty, intituled *An 2 & 3 Vict. c. 80.*
 ‘ Act to empower the Commissioners of Her Majesty's Woods, Forests,
 ‘ Land Revenues, Works, and Buildings to raise a Sum of Money
 ‘ for making additional Thoroughfares in the Metropolis, reciting
 ‘ that in order to remove many of the existing Obstructions which
 ‘ impeded the main Lines of Communication in several Parts of
 ‘ the Metropolis, and for creating new and commodious Thorough-
 ‘ fares in such Districts, so as to afford additional Facilities of
 ‘ Intercourse, it had been proposed to open a convenient Thorough-
 ‘ fare from the End of *Coventry Street* to the Junction of *Newport*
 ‘ *Street* and *Long Acre*, and to continue the Line of Street from
 ‘ *Waterloo Bridge*, then already completed, to *Bow Street*, from
 ‘ thence Northward into *Broad Street, Holborn*, to extend *Oxford*
 ‘ *Street* in a direct Line through *Saint Giles's*, so as to com-
 ‘ municate with *Holborn* at or near *Southampton Street*, and to
 ‘ open a spacious Thoroughfare between the populous Neighbour-
 ‘ hood of *Whitechapel* and *Spitalfields* and the Docks and Wharfs
 ‘ of the River *Thames*, by widening the Northern and Southern
 ‘ Extremities of *Leman Street*, and by creating a new Street from
 ‘ the Northern Side of *Whitechapel* to the Front of *Spitalfields*
 ‘ Church;

‘ Church ; and reciting that it was expedient that the carrying into
 ‘ effect such several Alterations and Improvements should be
 ‘ placed under the Direction and Superintendence of the Commis-
 ‘ sioners of Her Majesty’s Woods, Forests, Land Revenues, Works,
 ‘ and Buildings, subject to the Approbation of the Lord High
 ‘ Treasurer or the Commissioners of Her Majesty’s Treasury of
 ‘ the United Kingdom of *Great Britain and Ireland* for the Time
 ‘ being ; and reciting that the Income of certain of the several
 ‘ Funds therein mentioned, charged by certain Acts therein recited,
 ‘ of the Tenth Year of the Reign of His late Majesty King *George*
 ‘ the Fourth, the Eleventh Year of the Reign of His said late
 ‘ Majesty, and the First and Second Years of the Reign of Her
 ‘ present Majesty, with the Repayment of the several Sums thereby
 ‘ authorized and directed to be raised for the several Purposes
 ‘ therein mentioned, had so much increased as to render it probable
 ‘ that if the Commissioners of Her Majesty’s Woods, Forests, Land
 ‘ Revenues, Works, and Buildings were empowered to raise the
 ‘ Sum of Two hundred thousand Pounds on the Credit of the said
 ‘ several Funds (such Sum of Two hundred thousand Pounds to
 ‘ be applied by them towards the making and completing the
 ‘ several Alterations and Improvements therein-before mentioned),
 ‘ the Surplus of such Funds would be amply sufficient to pay the
 ‘ Interest thereof, and also to pay off, on or before the Fifth Day
 ‘ of *July* One thousand eight hundred and fifty-eight, the Principal
 ‘ thereof, as well as the Principal Sums of Money and Interest
 ‘ and Annuities then remaining charged thereon ; it was by the
 ‘ now-reciting Act enacted that the Commissioners for the Time
 ‘ being of Her Majesty’s Woods, Forests, Land Revenues, Works,
 ‘ and Buildings should be and they were thereby appointed Com-
 ‘ missioners for executing and completing the several Alterations
 ‘ and Improvements therein-before mentioned, and for carrying the
 ‘ Purposes of the now-reciting Act into execution ; and it was
 ‘ thereby enacted, that for providing a Fund for the Purposes of
 ‘ the now-reciting Act it should be lawful for the Commissioners
 ‘ of Her Majesty’s Woods, Forests, Land Revenues, Works, and
 ‘ Buildings for the Time being, from Time to Time, with the
 ‘ Consent of the Lord High Treasurer of the United Kingdom of
 ‘ *Great Britain and Ireland*, or of the Commissioners for exe-
 ‘ cuting the Office of Lord High Treasurer of the said United
 ‘ Kingdom, or any Three or more of them, to charge the Funds
 ‘ therein-after mentioned, and made subject as after mentioned,
 ‘ with the Payment of any Sum or Sums of Money not exceeding
 ‘ in the whole the Sum of Two hundred thousand Pounds, together
 ‘ with Interest on the Sum or Sums to be charged, from the Time
 ‘ of charging the same, not exceeding Five Pounds *per Centum per*
 ‘ *Annum*, to be payable half-yearly ; and it was thereby enacted,
 ‘ that the Fund called “The Orphans Fund,” and the Fund called
 ‘ “The *London Bridge* Approaches Fund,” and all and singular
 ‘ the Funds, Duties, Impositions, and Revenues created, constituted,
 ‘ imposed, or continued by the said therein recited Acts of the
 ‘ Tenth Year of the Reign of King *George* the Fourth, the Eleventh
 ‘ Year of the Reign of King *George* the Fourth, and the First and
 ‘ Second Years of the Reign of Her present Majesty, or any or either
 ‘ of them, should be the Fund to be charged by Her Majesty’s said
 ‘ Com-

‘ Commissioners, and should be applicable, after the Sums then
‘ already borrowed thereon should have been paid off and dis-
‘ charged, to the Payment of all such Monies as might be charged
‘ thereon by the Commissioners for executing the now-reciting
‘ Act, and the Interest thereof, until the Sum or Sums and Interest
‘ to be charged thereon as last aforesaid should be paid off and
‘ discharged; and it was thereby enacted, that, for the Purposes
‘ of the now-reciting Act, it should be lawful for the Commis-
‘ sioners of Her Majesty’s Woods, Forests, Land Revenues, Works,
‘ and Buildings, by and with the Consent and Approbation of the
‘ Lord High Treasurer, or the Commissioners of Her Majesty’s
‘ Treasury, for the Time being, to borrow and raise any Sum or
‘ Sums of Money, not exceeding in the whole the Sum of Two
‘ hundred thousand Pounds, upon the Credit of the said Monies
‘ and Interest so to be charged in manner therein mentioned; and
‘ it was thereby enacted, that the Sum and Sums of Money which
‘ the said Commissioners of Her Majesty’s Woods, Forests, Land
‘ Revenues, Works, and Buildings were thereby authorized to
‘ charge, or which might be borrowed and taken up at Interest by
‘ the said Commissioners, in pursuance of the Powers of the said
‘ recited Act, should be applied, in the first place, in paying all
‘ the Charges and Expences of or incident to or incurred in the
‘ obtaining and passing the now-reciting Act, and any other Act,
‘ for the Purpose of making and completing the said Improve-
‘ ments, and afterwards in paying and discharging the necessary
‘ Expences of surveying, designing, laying out, making, and com-
‘ pleting the Streets and other Improvements which were to be
‘ made and done by the said Commissioners of Her Majesty’s
‘ Woods, Forests, Land Revenues, Works, and Buildings, in such
‘ Manner as might be provided in any Act to be passed for that
‘ Purpose; and it was thereby enacted, that it should be lawful for
‘ the said Commissioners for executing the said Act, and they were
‘ thereby authorized and empowered, by and with the Consent and
‘ Approbation in Writing of the Lord High Treasurer of the
‘ United Kingdom of *Great Britain and Ireland*, or of the Com-
‘ missioners for executing the Office of Lord High Treasurer, or
‘ any Three or more of them, to cause proper Surveys and Plans
‘ to be made of the Direction of the said intended Thoroughfares
‘ or Streets, and to submit the same for Approval to the Lord
‘ High Treasurer, or the Commissioners for executing the Office
‘ of Lord High Treasurer: And whereas an Act was passed in the
‘ Third and Fourth Year of the Reign of Her present Majesty,
‘ intituled *An Act to enable Her Majesty’s Commissioners of Woods,* 3 & 4 Vict. c. 87.
‘ *Forests, Land Revenues, Works, and Buildings to make additional*
‘ *Thoroughfares in the Metropolis*, reciting the herein-before recited
‘ Act of the Second and Third Year of the Reign of Her present
‘ Majesty, and also reciting that the Commissioners of Her Ma-
‘ jesty’s Woods, Forests, Land Revenues, Works, and Buildings
‘ had, by and with the Consent and Approbation of the Lords
‘ Commissioners of Her Majesty’s Treasury, and in pursuance of
‘ the Provisions contained in the said last-mentioned Act, caused
‘ Surveys and Plans to be made of Three of the said intended new
‘ Thoroughfares or Streets mentioned or referred to in the said
‘ Act, and which said Three new Thoroughfares or Streets were
‘ pro-

‘ proposed to be made in the following Lines or Directions ;
‘ (namely,) one of such Streets was intended to be commenced
‘ from the East End of *Oxford Street*, and to run from thence in
‘ or nearly in a direct Line therewith Eastward into *Holborn*, at
‘ or near the South End of *Southampton Street, Bloomsbury*
‘ *Square* ; another of such Streets was intended to commence
‘ from the North Side of *Long Acre*, opposite *Bow Street*, and to
‘ run from thence in or nearly in a North-west Direction to *Char-*
‘ *lotte Street, Bloomsbury* ; and the other of such Streets was
‘ intended to commence from or near to the *London Docks*, and
‘ to run from thence into *Leman Street*, and from thence in a
‘ North-west Direction nearly in a direct Line with *Leman Street*
‘ to the West Front of *Spitalfields Church* ; and reciting that it
‘ was expedient that the Commissioners of Her Majesty’s Woods,
‘ Forests, Land Revenues, Works, and Buildings should be autho-
‘ rized and empowered, by and out of the Monies which they were
‘ by the said recited Act of the Second and Third Year of the
‘ Reign of Her present Majesty authorized to raise as aforesaid,
‘ and the Monies which they were by the now-reciting Act autho-
‘ rized and empowered to charge and raise, and other the Monies
‘ by the now-reciting Act made applicable to the Purposes of that
‘ Act, to make, form, and complete the said Three Thoroughfares
‘ or new Streets from *Oxford Street* to *Holborn*, from *Long Acre*
‘ to *Charlotte Street*, and from the *London Docks* to *Spitalfields*
‘ Church, as therein-before was mentioned, and to divert, alter,
‘ widen, and improve such Parts of the present Streets as would
‘ form Entrances into such new Streets, or into the Streets, Squares,
‘ and Places connected therewith, according to the Plans therein
‘ mentioned ; it was by the now-reciting Act enacted, that it should
‘ be lawful for the Commissioners of Her Majesty’s Woods, Forests,
‘ Land Revenues, Works, and Buildings, for the Time being, and
‘ they were thereby authorized and empowered, to make, form, and
‘ complete the several new Streets, Improvements, and Alterations
‘ therein-before mentioned ; and it was thereby further enacted,
‘ that the said Funds by the said recited Act of the Second and
‘ Third Year of the Reign of Her present Majesty authorized to
‘ be charged by the said Commissioners of Her Majesty’s Woods,
‘ Forests, Land Revenues, Works, and Buildings, should be the
‘ several Duties on Coals imported into the Port of *London*, and
‘ brought by inland Conveyance, the Duty on Wine, the several
‘ annual Sums charged on the Revenues of the City of *London*,
‘ amounting to the annual Sum of Eleven thousand five hundred
‘ Pounds, the Fees payable on the Admission of Freemen and on
‘ the binding of Apprentices, and for Aqueducts, and which said
‘ Funds respectively were in and by the said recited Act men-
‘ tioned or referred to ; and it was thereby further enacted, that
‘ all and every the Monies by the said recited Act of the Second
‘ and Third Year of the Reign of Her present Majesty authorized
‘ to be charged and borrowed should, subject to the Application
‘ thereof so directed to be made by the said recited Act, be
‘ applied by the Commissioners of Her Majesty’s Woods, Forests,
‘ Land Revenues, Works, and Buildings to the carrying into effect
‘ the Purposes of the now-reciting Act ; and it was thereby further
‘ enacted, that it should be lawful for the said Commissioners of
‘ Her

‘ Her Majesty’s Woods, Forests, Land Revenues, Works, and
 ‘ Buildings, by and with the Consent and Approbation of the
 ‘ Lord High Treasurer or the Commissioners of Her Majesty’s
 ‘ Treasury for the Time being, (in addition to and over and above
 ‘ the Sum of Two hundred thousand Pounds by the said therein
 ‘ and herein-before recited Act of the Second and Third Year
 ‘ of the Reign of Her present Majesty authorized to be raised
 ‘ and borrowed upon the Credit of the Monies and Interest
 ‘ therein mentioned,) to charge, borrow, and raise, for the Pur-
 ‘ poses of the now-reciting Act, any further Sum or Sums of
 ‘ Money, not exceeding in the whole the Sum of One hundred
 ‘ thousand Pounds, upon the Credit of the Monies and Interest in
 ‘ the said Act mentioned, and therein-before specified as the Funds
 ‘ by the said recited Act authorized to be charged: And whereas
 ‘ an Act was passed in the Third and Fourth Year of the Reign
 ‘ of Her present Majesty, intituled *An Act to continue for Four* 3 & 4 Vict.
 ‘ *Years from the Fifth Day of July One thousand eight hundred* c. cxxxi.
 ‘ *and fifty-eight the Duties now levied on Coal and Wines imported*
 ‘ *into the Port of London*, reciting, amongst other things, the
 ‘ herein-before recited Act passed in the Second and Third Year
 ‘ of the Reign of Her present Majesty; and reciting, that for the
 ‘ providing a Fund for the making additional Thoroughfares and
 ‘ Improvements in the Metropolis, to be executed under the
 ‘ Direction of the Lord High Treasurer or the Commissioners
 ‘ of Her Majesty’s Treasury, and more particularly an intended
 ‘ Thoroughfare from *Coventry Street to Long Acre* in the County
 ‘ of *Middlesex*, and another intended Thoroughfare from *South-*
 ‘ *wark to Westminster Bridge* in the County of *Surrey*, and for
 ‘ completing certain Thoroughfares in the City of *Westminster* and
 ‘ *Clerkenwell* in the said County of *Middlesex*, in such Manner as
 ‘ should be provided and determined by any Act to be passed in
 ‘ the then present or any future Session of Parliament, it was
 ‘ expedient that the Duty on Coals and Culm and Small Coal
 ‘ imported into the Port of *London* or the River *Thames* within
 ‘ the Liberty of the said City, imposed or continued by the Act of
 ‘ the Tenth Year of the Reign of His late Majesty King *George*
 ‘ the Fourth for the Term of Twenty-one Years from the Fifth
 ‘ Day of *July* One thousand eight hundred and thirty-seven, should
 ‘ be continued for a further Term of Four Years from the said
 ‘ Fifth Day of *July* One thousand eight hundred and fifty-eight,
 ‘ when the same would otherwise cease, and that the Duty on
 ‘ Wines granted as therein is mentioned should continue payable
 ‘ for a further Term of Four Years; it was by the now-reciting
 ‘ Act enacted that all and every the Rates, Impositions, and Du-
 ‘ ties on Coal imported into the Port of *London* or the River
 ‘ *Thames* within the Liberty of the said City, which by the said
 ‘ Act of the Tenth Year of the Reign of King *George* the Fourth
 ‘ were continued for a Term which would expire on the Fifth Day
 ‘ of *July* One thousand eight hundred and fifty-eight, should be
 ‘ and were thereby continued and made payable for the further
 ‘ Term of Four Years from the Fifth Day of *July* One thousand
 ‘ eight hundred and fifty-eight; and it was thereby further enacted,
 ‘ that for the Purposes aforesaid the Duty of Four Shillings *per*
 ‘ Tun on Wines imposed by the Act of the Fifth and Sixth Year of
 ‘ the

' the Reign of King *William* and Queen *Mary*, therein recited,
 ' should continue and be payable in all respects as the same was
 ' then payable for the further Term of Four Years from the Fifth
 ' Day of *July* One thousand eight hundred and fifty-eight: And
 ' whereas the Commissioners of Her Majesty's Woods, Forests,
 ' Land Revenues, Works, and Buildings have, with the Consent
 ' and Approbation of the Lords Commissioners of Her Majesty's
 ' Treasury, caused a Survey and Plan to be made of the said
 ' intended Street or Thoroughfare from the East End of *Coventry*
 ' *Street* to the West End of *Long Acre*, mentioned or referred to
 ' in the said last-before recited Act of the Third and Fourth Year
 ' of the Reign of Her present Majesty, which said Thoroughfare
 ' or new Street is or will be situate in the several Parishes of
 ' *Saint Martin in the Fields* and *Saint Ann Soho* in the said
 ' County of *Middlesex*: And whereas, in order to make the Tho-
 ' roughfare or new Street authorized to be formed and made by
 ' the first herein-before recited Act of the Third and Fourth Year
 ' of the Reign of Her present Majesty, from the *London Docks* to
 ' *Spitalfields Church*, more complete and perfect, it is expedient
 ' to make and form a new Thoroughfare or Street, to commence
 ' at the East End of *East Smithfield* near to the Entrance of
 ' the *London Docks*, and to extend from thence into *Rosemary*
 ' *Lane* nearly opposite to the South End of *White Lion Street*,
 ' where such Thoroughfare or new Street will join the said Tho-
 ' roughfare or new Street so authorized to be made and formed by
 ' the said first herein-before recited Act of the Third and Fourth
 ' Year of the Reign of Her present Majesty as aforesaid: And
 ' whereas the Commissioners of Her Majesty's Woods, Forests,
 ' Land Revenues, Works, and Buildings have, with the Consent
 ' and Approbation of the Lords Commissioners of Her Majesty's
 ' Treasury, caused a Survey and Plan to be made of the said
 ' Thoroughfare or new Street from *East Smithfield* to *Rosemary*
 ' *Lane*, which said Thoroughfare or new Street will be situate in
 ' the Parishes of *Saint John Wapping* and *Saint Mary White-*
 ' *chapel* in the said County of *Middlesex*: And whereas the said
 ' Surveys and Plans, made under the Direction of the Commis-
 ' sioners of Her Majesty's Woods, Forests, Land Revenues, Works,
 ' and Buildings as aforesaid, have been submitted to the Commis-
 ' sioners of Her Majesty's Treasury, and the same have been ap-
 ' proved by them: And whereas it is expedient that the said new
 ' Thoroughfares or Streets, from the East End of *Coventry Street*,
 ' *Piccadilly*, to the West End of *Long Acre*, and from *East*
 ' *Smithfield* to *Rosemary Lane*, should be also made, formed, and
 ' completed by the Commissioners of Her Majesty's Woods, Forests,
 ' Land Revenues, Works, and Buildings: And whereas an Act
 ' was passed in the Second Year of the Reign of Her present Ma-
 ' jesty, intituled *An Act for making a new Street from Holborn*
 ' *Bridge in the City of London towards Clerkenwell Green*, under
 ' which Act the Mayor, Commonalty, and Citizens of the City of
 ' *London* have purchased certain Lands, and have pulled down
 ' the Buildings thereon, and cleared the Site for the said intended
 ' Street, to or nearly to the South-western Boundary of the
 ' County of *Middlesex*: And whereas an Act was passed in the
 ' Third and Fourth Year of the Reign of Her present Majesty, inti-
 ' tuled

' tuled *An Act for opening a Street to Clerkenwell Green in the*
 ' *County of Middlesex, in continuation of the new Street from Far-*
 ' *ringdon Street in the City of London*, under which last-mentioned
 ' Act certain Persons are appointed Commissioners for making a
 ' Street from the Termination of the Street authorized to be made
 ' by the said recited Act of the Second Year of the Reign of Her
 ' present Majesty to *Clerkenwell Green*: And whereas essential
 ' Benefit would be afforded to the Public by the Completion of a
 ' Line of Communication between *Southwark* and *Westminster*
 ' *Bridge*, now partly existing through *Stamford Street*, *Black-*
 ' *friars*, which, in communication with the *York Road*, would make
 ' a continuous Line of broad and open Street from *Westminster*
 ' *Bridge* to *London Bridge*, and provide a ready Means of Com-
 ' munication between the Terminus of the *Brighton* and *Kent*
 ' Railroads situate at *London Bridge* and the whole of the West
 ' End of the Metropolis: And whereas essential Benefit would
 ' also be afforded to the Public if a spacious and convenient Com-
 ' munication were made between the Neighbourhood of the Parlia-
 ' ment Houses and that of *Buckingham Palace*, passing through a
 ' District in the City of *Westminster*, which is now very insa-
 ' lubrious by reason of the Want of a sufficient Drainage, and
 ' for other Causes, which would be thereby removed: And whereas
 ' it is expedient that the Commissioners of Her Majesty's Woods,
 ' Forests, Land Revenues, Works, and Buildings should be autho-
 ' rized, by and with the Consent and Approbation of the Lord
 ' High Treasurer or the Commissioners of Her Majesty's Trea-
 ' sury, to advance, or to appropriate and apply, out of the Monies
 ' to be borrowed and raised by them under the Provisions of this
 ' Act, any Sum not exceeding the Sum of Twenty-five thousand
 ' Pounds towards the Expences attending the forming, making, and
 ' completing the said Street, from the Termination of the Street
 ' authorized to be made by the Mayor, Commonalty, and Citizens
 ' of the City of *London*, under the said recited Act of the Second
 ' Year of the Reign of Her present Majesty, to *Clerkenwell Green*,
 ' and any Sum not exceeding the Sum of Thirty thousand Pounds
 ' towards the Expence of forming, making, and completing a
 ' Line of Street between *Southwark* and *Westminster Bridge*, and
 ' also any Sum not exceeding the Sum of Thirty-nine thousand
 ' Pounds towards the Expence of forming, making, and completing
 ' a spacious and convenient Communication, as aforesaid, between
 ' the Houses of Parliament and *Buckingham Palace*, in such
 ' Manner as is herein-after provided; and for the Purpose of pro-
 ' viding a Fund to enable the said Commissioners to effect the
 ' several Objects aforesaid it is expedient that they the said Com-
 ' missioners should be authorized to charge the said Funds by the
 ' said recited Act of the Second and Third Year of the Reign
 ' of Her present Majesty authorized to be charged by the said Com-
 ' missioners, and defined and specified by the said first-recited Act
 ' passed in the Third and Fourth Year of the Reign of Her present
 ' Majesty, (subject nevertheless to the said several Sums of Two
 ' hundred thousand Pounds and One hundred thousand Pounds,
 ' and Interest, which they are already authorized to charge as afore-
 ' said,) and also the Funds made applicable thereto by the secondly
 ' herein-before recited Act of the Third and Fourth Year of the

3 & 4 Vict. c. cxiii.

Commissioners
of Woods em-
powered to
make new
Streets.

‘Reign of Her present Majesty, with any further Sum or Sums of Money not exceeding in the whole the Sum of Two hundred and fourteen thousand Pounds:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Commissioners of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings, for the Time being, and they are hereby authorized and empowered, to make, form, and complete the said new Street from the East End of *Coventry Street, Piccadilly*, to the West End of *Long Acre*, and also the new Street from the East End of *East Smithfield* to *Rosemary Lane*, respectively herein-before mentioned, and to carry the Purposes of this Act into execution in manner herein-after mentioned, and according to such Plans as aforesaid.

Commissioners
of Woods to be
a Corporation
for the Purposes
of this Act.

II. And be it enacted, That for the Purposes of this Act and of the said first-recited Act, and of all Matters and Things hereby authorized to be done under the Authority of this Act or of any other Act, the said Commissioners of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall be and they are hereby constituted a Corporation, by the Name and Style of “The Commissioners of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings,” in order to enable them to execute and carry into effect the several Powers and Purposes of this Act, and such other Powers and Purposes as aforesaid, and by that Name, for the Purposes of this and the aforesaid Act, they the said last-mentioned Commissioners shall and may have perpetual Succession, and use a Common Seal, to be by them from Time to Time altered as they shall think fit, and shall and may sue and be sued, implead and be impleaded, and take Lands and Hereditaments to them and their Successors for ever, for the Purposes of this Act and the said recited Act; and further, that the said Commissioners and their Successors, as such Corporation as aforesaid, shall and may execute and do all such Acts, Matters, and Things as by the said first-recited Act are authorized to be done by the said Commissioners of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings for the Time being; and that for the Purposes of this Act and of the secondly herein-before recited Act all the Powers, Authorities, and Provisions contained in the firstly-recited Act shall continue in full force and virtue.

Commissioners
of Woods, &c.
empowered to
charge the
Funds after
mentioned with
any Sum not
exceeding
214,000*l*.

III. And be it enacted, That for providing a Fund for the Purposes of this Act it shall and may be lawful for the Commissioners of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings, from Time to Time, with the Consent and Approbation of the Lord High Treasurer, or of the Commissioners for executing the Office of Lord High Treasurer of the said United Kingdom, or any Three or more of them, from Time to Time, or at any one Time, to charge the Funds herein-after mentioned, and made subject as herein-after mentioned, with the Payment of any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred and fourteen thousand Pounds, together with Interest on the Sum or Sums to be charged from the Time of charging the same at such Rate as shall be approved of by the said Lord High

Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, to be payable half-yearly, such Sum of Two hundred and fourteen thousand Pounds being in addition to the several Sums amounting together to the Sum of Three hundred thousand Pounds which the said Commissioners are so as aforesaid authorized to charge for the Purposes aforesaid.

IV. And be it enacted, That the several Funds which by the said Two first-recited Acts the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were authorized to charge as aforesaid (subject to the Sums already charged and authorized to be charged thereon), and the said Funds and Duties continued and made payable as aforesaid for the further Term of Four Years by the thirdly herein-before recited Act, as aforesaid, shall be and are the Funds to be charged by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Purposes of this Act, under the Power aforesaid, and such several Funds shall, subject as aforesaid, be applicable to the Payment of all such Monies as may be so charged thereon by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the Interest thereof, until the Sum or Sums, and Interest to be charged thereon, as last aforesaid, shall be paid off and discharged.

Funds to be charged.

V. And be it enacted, That the said Funds so to be charged as aforesaid shall (subject as aforesaid) be paid and applied in satisfaction and discharge of all Monies to be charged thereon by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as aforesaid, and the Interest thereof, in such Manner, and from Time to Time as the same shall be received, and as the said Commissioners shall order and direct.

Application of the Monies borrowed under this Act.

VI. And be it enacted, That it shall and may be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, (if he or they shall think it expedient,) to authorize and direct the Commissioners for issuing Exchequer Bills for public Works, acting in execution of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, and of the several subsequent Acts for amending and extending the same, to advance and lend to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on the Credit of the said Sum of Two hundred and fourteen thousand Pounds, which the said Commissioners are by this Act authorized to charge as aforesaid, any Sum or Sums of Money, in Exchequer Bills, not exceeding the Sum of Two hundred and fourteen thousand Pounds, and the Repayment thereof, with Interest from the Time or respective Times of advancing the same, at such Rate as shall be approved of by the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, shall be secured in such and the like Manner as in and by the said recited Act of the Second and Third Year of the Reign of Her present Majesty is provided with respect to the Monies thereby authorized to be advanced out of the Consolidated Fund by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or in such other Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury may order or direct; and the Lord High Treas-

Treasury empowered to authorize the Exchequer Bill Commissioners to advance Monies on the Credit of the Funds made chargeable by this Act.

surer or the Commissioners of Her Majesty's Treasury may authorize and direct such Sum or Sums of Money to be advanced and lent to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by such Instalments and from Time to Time as the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury may think fit, and such Sum or Sums of Money may be so lent and advanced by the said Commissioners for issuing Exchequer Bills at any Time or Times hereafter, and notwithstanding that by reason of the prior Charges there may not be at the Time or respective Times of advancing the same any Fund for the Payment of the Interest of such Sum or Sums: Provided always, that notwithstanding any of the Provisions contained in the first herein-before recited Act of the Third and Fourth Year of the Reign of Her present Majesty it shall and may be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury to fix and determine the Rate of Interest to be paid by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to the Commissioners for the Issue of Exchequer Bills, on any Sum or Sums of Money which may be advanced by them to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Powers and Provisions of the said first herein-before recited Act of the Third and Fourth Year of the Reign of Her present Majesty, as aforesaid, and the said Commissioners for the Issue of Exchequer Bills are hereby authorized and required to advance such Sum or Sums of Money at the Rate of Interest which may be so fixed and determined as aforesaid.

Streets to be made according to Maps or Plans to be deposited in the Office of Woods.

VII. And be it enacted, That Maps or Plans describing the Lines of the said intended Streets, when signed by the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer, or any Three of them, and the Places, Buildings, Tenements, and Hereditaments on the Site of which the same Streets are proposed to be made, shall be deposited at the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and the Maps or Plans so deposited at the Office of the said Commissioners shall remain at the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

No Alteration in Streets without Consent of Treasury.

VIII. And be it enacted, That no Alteration or Change shall be made in the Lines of the said Thoroughfares or Streets, as shown in such Plans, unless the same shall be approved by the Lord High Treasurer, or the said Commissioners of Her Majesty's Treasury, for the Time being, or any Three or more of them.

Power to deviate.

IX. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in making the said new Streets, Alterations, and Improvements, shall not deviate more than Fifty Feet from the Lines described in the aforesaid Maps or Plans respectively, without the Consent and Approbation of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Tenements such Deviation shall be made.

X. And

X. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and may and they are hereby empowered from Time to Time to appoint such and so many Clerks and other Officers and Persons as they shall deem necessary to employ in the Execution of this Act, and may from Time to Time remove such Clerks, Officers, and other Persons, or any of them, and appoint others in their Stead; and also shall and may, out of the Monies to be raised by virtue of this Act, allow to such Clerks and other Officers, and such other Person and Persons as shall be assisting in or about the Execution of this Act, such Salaries or Allowances as to them the said Commissioners shall seem meet, and as shall be approved of by the said Lord High Treasurer, or the said Commissioners of Her Majesty's Treasury, for the Time being, or any Three or more of them: Provided always, that the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and may, if they shall think proper so to do, take such Security, either to themselves or Her Majesty, from any Clerk, Officer, or other Person to be appointed by virtue of this Act for the due and faithful Execution of his Office, as they the said Commissioners shall think fit.

Commissioners
may appoint
Officers.

XI. And be it enacted, That all such Orders and Proceedings of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in the Execution of this Act, which shall be entered in a Book or Books to be kept for that Purpose, shall, when so entered and signed by the said Commissioners, or any Two of them, be deemed to be Originals, and such Book or Books shall be admitted as Evidence in all Courts whatsoever.

Proceedings
when entered
to be Evidence.

XII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to cause such Part of the said intended Streets to be laid out for Carriageways, and such Part thereof for Foot Passengers, as they shall think proper.

Commissioners
may lay out
Footways, &c.

XIII. And be it enacted, That it shall be lawful for the said Commissioners to alter, divert, stop up, or enclose such Streets, Courts, Alleys, Ways, or Passages, and void Ground, or such Part and Parts thereof as shall be necessary to be altered, diverted, stopped up, or enclosed for the Purposes of this Act; and the Ground and Soil of such Streets, Courts, Alleys, Ways, Passages, and void Ground, or Parts thereof respectively, as shall be stopped up and enclosed, and the Fee Simple and Inheritance thereof, shall be and are hereby vested in the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and their Successors, for the Purposes of this Act.

Power to alter
and stop up the
Streets and
Ways.

XIV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered, during the making of the said Streets and Thoroughfares, to stop up or cause to be stopped up all or any Part of the Carriage or Footways of Streets and other Places as shall be necessary for the Purposes of this Act, and for that Purpose to put up or cause to be put up sufficient Palisadoes, Bars, Posts, and other Erections, and to make such Orders for regulating the Passage of all Carts, Carriages, and Horses, as to them shall seem proper.

Power to stop
up Ways during
the Execution
of this Act.

Streets may
be raised or
lowered.

Directing how
the Pavements
shall be laid
and made.

Sewers or
Drains to be
arched over or
filled up.

XV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered to raise or lower, or cause to be raised or lowered, the Ground of any Streets or Ways which shall communicate with the said Streets to be made as aforesaid, or any Part or Parts thereof respectively, making Compensation to the Owners of Houses injured by such Alterations as shall be agreed on by and between the Parties.

XVI. Provided always, and be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall, out of the Monies to be raised by them under the Provisions of this Act, in a substantial and workmanlike Manner, fill in or cause to be filled in all and every the Vaults, Cellars, and open Places over which it may be necessary, for the Purposes aforesaid, or any of them, to new pave (except such as may be used again as Cellars, Vaults, or Areas), with good sound hard Brick Rubbish, to be well rammed down to prevent the Ground from giving way; and shall and will effectually pave over, either with Stone, Wood, or other Material, or macadamize, all the said Ground, and the said Streets or Ways, with a sufficient Quantity of Materials, of proper Qualities and Dimensions; and shall in like Manner erect and build any Arch or Arches which they may think necessary, and also relay, pave, or macadamize and repair all and every Part of the Streets, Ways, and Passages which they shall disturb or alter in carrying the Purposes of this Act into execution: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to charge the said Monies to be applied for the Purposes of this Act with repairing or making good such Pavement or Arches in future, but that from and after the same shall be so paved, relaid, and repaired as aforesaid the same shall for ever thereafter be kept in repair by and at the Expence of the respective Parishes to which the same shall respectively belong, or of the Commissioners liable to repair the Streets or Thoroughfares in the Places in which the same shall be; and that the Right and Property of all Pavements, Arches, Stones, Wood, and Bricks, so to be laid as aforesaid, shall belong to and be the Property of the said respective Parishes or Commissioners, or other Persons or Bodies, in the same Manner as Things of a like Description in other Parts of the said Parishes respectively are now or may be vested by Law.

XVII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, out of the Monies to be raised by them under the Powers and Provisions of this Act, to cause to be arched over or filled up all such Sewers and Drains, or Part or Parts thereof, which shall lie and be in or near the said Streets or Ways to be made, altered, diverted, or stopped up or enclosed as aforesaid respectively, as shall appear necessary for completing the Purposes of this Act, so that no public Sewer or Drain whatsoever, or any private Drain, shall be in anywise disturbed, injured, or prejudiced, without another Sewer or Drain being made in lieu thereof equally serviceable and convenient to the Individual or Neighbourhood: Provided always, that at the Time of filling up any Sewer or Drain, or Part thereof, as aforesaid, the said Commissioners shall cause to be made

made and built other good and sufficient Sewers and Drains, to be approved by the Commissioners of Sewers, of the same or greater Size or Capacity, and upon the same or lower Levels than the Sewers or Drains which shall be filled up; and when made and completed the said respective Sewers and Drains shall be under the Jurisdiction, Care, Management, and Direction of the Commissioners of Sewers of the District in which the same shall be: Provided also, that in case the said Commissioners of Sewers shall require any Sewer or Drain, or Part or Parts of any Sewer or Drain, that may be destroyed or altered, under the Authority of this Act, to be rebuilt or re-made of larger Capacity than the ordinary Size generally used by the Commissioners of Sewers, and shall give Notice to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings of such Desire, before such Sewer or Drain shall be begun to be rebuilt or altered, then and in every such Case such Sewer or Drain shall be rebuilt or re-made of such enlarged Dimensions as the said Commissioners of Sewers may require; and such Commissioners of Sewers shall bear and pay the Difference in Expence that may be occasioned by such enlarged Capacity; and in case any Difference shall arise as to the Sum to be paid by the said Commissioners of Sewers, then it shall be referred to the Decision of Two Arbitrators, or, if they shall differ, to an Umpire, to be named by the Two Arbitrators, one of such Arbitrators to be named by the said Commissioners of Sewers, and the other by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, out of the Monies to be raised by them as aforesaid, to raise, sink, or otherwise alter or cause to be altered the Position of any of the Steps, Areas, Cellars, Windows, and Water Channels, Pipes, or Spouts belonging to any House or Houses, and also the Mains and the Leaden or other Pipes which, for the Purposes of conveying Water or Gas to any House or other Place, shall be laid into or from any Main or Pipe laid down by any of the Companies or Societies who furnish the Inhabitants with Water or Gas, in such Manner as shall be consistent with the Acts of Parliament incorporating such Companies or Societies (if any), and to remove all other Obstructions, so as the same respectively be done with as little Detriment and Inconvenience to the said Companies, Societies, and Inhabitants as the Circumstances of the Case will admit.

Power to alter
Steps, Areas,
Pipes, &c.

XIX. And be it enacted, That when the said Streets shall be made in pursuance of this Act, all the Ground, Land, and Hereditaments which shall be laid open into the said Streets, and paved as aforesaid, shall form Part of the said Streets, and shall be used by the Public accordingly; and the same, and the sole Power and Authority of paving, repairing, cleansing, lighting, and watching thereof, and of rating the Lands, Tenements, and Hereditaments situate and being within the same, shall be under the Care, Management, Control, and Jurisdiction of the same Parishes or Places, or Commissioners, as possess such Power and Authority in respect of the Sites of such Streets, or any Part thereof, at

Ground laid
into the Streets
to form Part
thereof.

the Time of the passing of this Act, or as the other Streets and Ways in the Parishes or Places in which the same respectively shall be situate.

Power to take
Houses and
Land.

XX. And be it enacted, That, for the Purposes of making the said Carriageways and Footways, and of providing the Sites necessary for the Houses and Buildings to form the said Streets, and generally for the Purposes of this Act, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, to take and use, or cause to be taken and used, any Tenements or Hereditaments, and pull down and remove, or cause to be pulled down and removed, any Houses or Buildings which it may be deemed necessary and expedient to take, use, or pull down and remove for the Purposes of this Act, at any Time at the Expiration of Six Calendar Months after Notice in Writing from the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or their Agent duly authorized, of the Intention to take or use the same, shall either be given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person or Persons who shall be the Owners and Occupiers of such Tenements or Hereditaments, or in case he, she, or they cannot be found or ascertained, left at the usual or last Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of the same Tenements or Hereditaments, or shall be fixed upon the same Premises; and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell.

No House, &c.
to be taken
without Con-
sent, unless
mentioned in
Schedule.

XXI. Provided always, and be it enacted, That no Houses or Buildings, Garden or Yard belonging to a House, shall be taken or made use of for the Purposes of this Act, except such as are mentioned in the Schedule hereunto annexed, or as are situated within the Limits of the Deviation herein-before authorized, without the Consent in Writing of the Owner or Owners thereof being first had and obtained for that Purpose.

Premises may
be taken not-
withstanding
Errors in the
Schedule.

XXII. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to purchase, take down, and use for the Purposes of this Act any of the Houses, Buildings, and other Hereditaments described in the said Plan or Plans to be deposited in the Office of the said Commissioners as aforesaid, as intended to be taken for the Purposes of this Act, although the same Houses, Buildings, and other Hereditaments, or the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, may happen to be erroneously stated or omitted in the Schedule hereunto annexed, in case it shall appear to any Two or more of the Justices of the Peace for the County of *Middlesex*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Power to Com-
missioners, their
Surveyors, &c.
to enter upon
Houses, &c.
for surveying
or valuing.

XXIII. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and for the Surveyor or Surveyors, Officers, and Workmen, from Time to Time, at all reasonable Times in the Day-time, upon giving Notice in Writing, for the first Time Twenty-four Hours, and afterwards from Time to Time

Time Twelve Hours previous Notice, to enter into and upon all or any of the said Tenements and Hereditaments authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying or valuing the said Premises, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part or Parts of the said Tenements and Hereditaments, for the Damages that shall be thereby occasioned.

XXIV. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby empowered, to treat and agree for the Purchase of any Tenements and Hereditaments which they may deem necessary for the Purposes of this Act to be taken and used by them, and of any subsisting Leases, Terms, Shares, Estates, and Interests therein, and Charges thereon, or such of them, or such Part or Parts thereof respectively, as the said Commissioners shall think proper, and to enter into any Contract or Contracts which they may think fit.

Commissioners empowered to treat for the Purchase of Houses, &c.

XXV. And be it enacted, That the Messuages and other Hereditaments which shall be purchased in pursuance of this Act shall be conveyed to the said Commissioners and their Successors, or to such Persons as the said Commissioners for the Time being shall direct, in Trust for the Purposes of this Act, and to be conveyed, leased, or otherwise disposed of as the said Commissioners under the Powers herein contained shall direct, and that until the same shall be sold and disposed of the Rents and Profits thereof shall be received and applied by the said Commissioners for the Purposes of this Act or any of them.

Houses to be purchased to be conveyed to Commissioners of Woods, &c.

XXVI. And be it enacted, That if the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall not within the Space of Five Years, to be computed from the passing of this Act, purchase or take the Tenements and Hereditaments or Parts thereof respectively which they are empowered by this Act to take, use, and purchase as aforesaid, then and from thenceforth the Powers hereby granted to them for such Purchase shall cease, determine, and be utterly void.

Limitation of Power of purchasing Houses, &c.

XXVII. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, and for all Trustees and Feoffees in Trust for charitable and other Purposes, and all Executors and Administrators, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life, or for Years, absolute or determinable on any Life or Lives, and all Persons having any other partial or qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in Remainder, Reversion, Expectancy, or Contingency, or for any other future Estate or Interest, where such Person, or any of such Persons, whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable

Bodies Politic and Trustees and other Persons empowered to sell and convey.

of contracting for, selling, or conveying the same, and to and for all Guardians on behalf of their respective Wards, Husbands on behalf of their respective Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, and Administrators, and Issue of such Wards, Wives, or Persons respectively, and to and for all Females Covert entitled in their own Right to any such Tenements or Hereditaments, or to Dower or other Interest therein, on behalf, not only of themselves, but also of their respective Heirs, Executors, Administrators, and Issue, and also where such Wards, Wives, Persons, or Females Covert respectively shall be Tenants for Life or in Tail, or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Females Covert, on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Females Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Tenements or Hereditaments, and to and for all and every other Person or Persons whomsoever who are or shall be seised or possessed of or interested in any Tenements or Hereditaments which by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be thought necessary for any of the Purposes of this Act, to contract for, sell, and convey the same, and every or any Part thereof, to the said Commissioners and their Successors, or to such Person or Persons as the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall direct, for the Purposes of this Act; and all Contracts, Agreements, Bargains, Sales, Conveyances, and Assurances, Acts, and Deeds, which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in the Law, and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which they, he, she, or any of them shall respectively make by virtue or in pursuance of this Act.

Satisfaction for the Value of Premises taken may be accepted.

XXVIII. And be it enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, and other Person and Persons, herein-before capacitated to contract for, sell, and convey any such Tenements or Hereditaments as aforesaid, and any other Owner or Owners of any such Tenements or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, may accept and receive such Satisfaction and Recompence for the Value thereof; and such Body or Bodies, Trustee or Trustees, Person or Persons, Owner or Owners, and also any Tenant or Tenants, or other Occupier or Occupiers of any such Premises, entitled to any Compensation for Tenants Fixtures, and for any other Injury or Damage as shall be sustained on account of the Execution of this Act, or in anywise relating thereto, may accept and receive such Sum of Money in respect thereof as shall be agreed upon between them respectively and the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and in case the said Commissioners, and the said Parties interested in such

If Parties cannot agree the Amount to be

such Tenements or Hereditaments or Fixtures, or sustaining any Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled by a Jury in manner herein-after directed.

XXIX. And be it enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or their Agent duly authorized, of the Intention to take or use any Tenement or Hereditament, or any Part thereof, for the Purposes of this Act, shall have been given, left, or affixed as herein-before is mentioned, all and every Body and Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and other Person and Persons, seised, possessed of, or interested in, or authorized by this Act to accept and receive Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, having or claiming to be entitled to any Compensation for any Goodwill or Improvements, or for Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver or cause to be delivered to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by leaving the same at their Office, a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he, she, or they claim to be entitled to, or to be authorized to receive in Satisfaction or Recompence for, and of the Goodwill and Improvements which may be lost, and of the Fixtures, and of the Injury or Damage sustained by him, her, or them, and of the Amount of the Sum or Sums of Money which he, she, or they may expect and be willing to receive in Satisfaction or Discharge for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which he, she, or they may expect and be willing to receive as Compensation for such Goodwill and Improvements, and Fixtures, and for such Injury or Damage respectively.

Parties to deliver a Statement of their Estates and Claims within One Calendar Month after Notice.

XXX. And be it enacted, That if any Owners or Proprietors, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, Femes Covert, or any other Person or Persons seised, possessed of, or interested in any Houses, Buildings, Ground, Tenements, or Hereditaments, or in any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, which the said Commissioners are hereby empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating, with the said Commissioners, or with the Person or Persons authorized by them, for the Sale and Disposal of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in the Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners, then and in every or any such Case the High Bailiff of the City and Liberty of *Westminster* or his Deputy as regards any Hereditaments which may be situate within the Liberty of *Westminster*, and the Sheriff of *Middlesex* or his Under Sheriff as regards any other

If Parties refuse to treat, or shall not agree, a Jury to be summoned in manner herein mentioned.

other Hereditaments, or in case such Sheriff or Under Sheriff, High Bailiff or his Deputy, shall be anywise interested in the Matter in question, then some One of the Coroners of the County of *Middlesex* not interested therein, shall, upon the Warrant of the said Commissioners, in manner herein-after mentioned, and he or they is and are hereby required and authorized to cause it to be inquired into and ascertained upon the Oaths of a Jury of Twelve indifferent Men of the said City of *Westminster* as regards Hereditaments within the said Liberty of *Westminster*, and of the said County of *Middlesex* as regards any other Hereditaments, which Oaths the said Sheriff, Under Sheriff, High Bailiff or his Deputy, or Coroner, is and are hereby empowered and required to administer, what Damages will be sustained by, and what Recompence and Satisfaction will be made to, such Owners, Occupiers, or other Person or Persons interested, for the Value of such Houses, Buildings, Grounds, Tenements, or Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and assess or award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Houses, Buildings, Ground, Tenements, or Hereditaments, and of such respective Estates and Interests therein, and also for Goodwill, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties, provided such Goodwill shall be estimated by what in the Opinion of such Jury the same would have been worth in case the Alterations or Improvements intended by this Act had not been in contemplation, and also for and on account of the taking of such Houses, Buildings, Grounds, Tenements, or Hereditaments for the Purposes or under and by virtue of the Authority of this Act, and the said Jury in estimating such Recompence and Satisfaction shall take into their Consideration the Increase in Value of the Residue of any Property of which such Tenements or Hereditaments shall form Part; and in order thereto the said Sheriff, High Bailiff, Deputy, or Coroner is and are hereby empowered and required, from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner is and are hereby empowered to administer); and such Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner respectively shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means, as well for his and their own as for the said Jury's better Information in the Premises, as the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall think fit; and after the said Jury shall have inquired of and ascertained and settled such Damage, Recompence, and Satisfaction, the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Commissioners to the said Owners or Occupiers of or other Persons interested therein, according

cording to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Order, so had and made, shall be final, binding, and conclusive to all Intents and Purposes, upon and against all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Parties and Persons whomsoever; and for the summoning and returning of such Jury or Juries the said Commissioners are hereby empowered to issue their Warrant or Warrants to the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner, to summon, impanel, and return, at some convenient Place in the said County of *Middlesex*, or City of *Westminster*, as the Case may be, a Jury of not less than Thirty-six or more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issue in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner, at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at the least, in Writing under the Hands of the said Commissioners, of the Time and Place at which such Jury are so required to be returned, shall be given to such Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons interested in the Premises, before the Time of Meeting of the said Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or of the head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner is and are hereby empowered to impanel, summon, and return such Number accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid), to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard, and to adduce Evidence, before the Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner respectively; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

XXXI. And be it enacted, That if the Owner, Lessee, or Occupier of any Tenements or Hereditaments authorized to be taken by virtue of this Act shall not be inclined to sell or part with the whole thereof, or of his or her Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the said Commissioners, or any Person or Persons authorized by them, shall not think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the Premises shall assess the

Value

Where Part of an Estate is taken, the Remainder to be valued.

Value of the whole Premises according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which will remain after the said Commissioners, or the Person or Persons authorized by them, have taken away so much as they shall think necessary for the Purposes of this Act; and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made; and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the said Commissioners for that Part which they shall have Occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

Notice to be given of Compensation claimed.

XXXII. And be it enacted, That no Jury to be summoned by virtue of this Act shall be allowed to assess or award any Sum or Sums of Money to any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, by way of Compensation for Goodwill or Improvements alleged to have been lost, or Tenants Fixtures, or any Injury or Damage alleged to have been sustained by him or them, by reason or means of this Act, or any thing which shall or may be done in the Execution hereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the said Commissioners, or left at their Office as aforesaid, by and on behalf of such Person or Persons, Ten Days at least before the Time of the Meeting of such Jury.

Penalty on Sheriff, High Bailiff, Jury, and Witnesses, for Neglect of Duty.

XXXIII. And be it enacted, That if the Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner so directed to summon and return a Jury as aforesaid, shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse, to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Middlesex* or City of *Westminster*, as the Case may be, by Distress and Sale of the Goods and Chattels of the Person so offending, the Person making such Distress and Sale rendering to him or her the Overplus of the Money thereby produced, if any, after such Penalty, and the Charges of such Distress and Sale, shall be deducted; and all such Fines shall be paid to the said Commissioners, to be applied for the Purposes of this Act.

XXXIV. And

XXXIV. And be it enacted, That in all Cases in which a Verdict shall be given for the Value of any Tenements or Hereditaments, or Share or Shares therein, the Jury shall, if required so to do by or on behalf of the said Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed, and also between different Parts of the said Tenements or Hereditaments alleged to be held under different Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall have been previously made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

Jury may assess Value of Fee Simple, and then apportion the Values of respective Interests therein.

XXXV. And be it enacted, That the Jury and Juries so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give in execution of the Powers hereby vested in them concerning the Value of the Tenements or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or any Charge or Charges thereon, separately and distinctly from the Consideration of any Loss of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, Charge or Charges thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, the Jury shall, if required by the said Commissioners, award and declare whether the Statement delivered by the Claimant or Claimants, of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up, gave sufficient Particulars to enable the said Commissioners to make a proper Offer.

Verdict of Value of Lands and Damages to be ascertained separately.

XXXVI. And be it enacted, That in case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Rights, Interests, or Property of the Person or Persons in any such Houses, Buildings, Grounds, Tenements, or Hereditaments, or for any such Goodwill, Improvements, Injury, or Damage as aforesaid, than shall have been agreed to be given and offered for the same in the aggregate by the said Commissioners before the summoning and returning of such Jury, or where, by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the said Commissioners, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner before whom such Claim

Providing for Expences of Jury.

Claim shall have been tried, and shall be paid by the said Commissioners; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant or Claimants, of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up, did not give sufficient Particulars to enable the said Commissioners to make a proper Offer, and in every other Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money, as such Recompence, Compensation, or Satisfaction as aforesaid, than shall have been agreed to and offered by the said Commissioners in the aggregate for the same, before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the said Commissioners by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the said Commissioners) all such Costs, Charges, and Expences, to be settled by such Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner, in manner aforesaid, shall be paid to the said Commissioners by the said Body or Bodies Corporate or Collegiate, or other Person or Persons, so claiming such Compensation, or refusing to treat and agree, as before mentioned respectively (save only and except where by reason of Absence or other like Cause any Person shall have been prevented from treating or agreeing as aforesaid, in which Case no Costs, Charges, or Expences shall be allowed to either Party as against the other); and all Costs, Charges, and Expences hereby directed to be paid to the said Commissioners shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to and for the Use of the Person and Persons entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or in case no Money, or no sufficient Sum of Money, shall be awarded or assessed to be paid by the said Commissioners whereout such Costs, Charges, and Expences can be deducted, then the same shall and may be recovered by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Middlesex* or City of *Westminster*, as the Case may be, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person or Persons as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expences, and the Charges of such Distress and Sale, shall be deducted.

XXXVII. And be it enacted, That a Minute or Docquet of all the said Judgments and Verdicts shall be recorded in the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and all such Judgments and Ver-

dicts shall be afterwards deposited with the Clerk of the Peace of the said County of *Middlesex* or the said City and Liberty of *Westminster*, as the Case may be, to be kept and preserved by him amongst the Records of the Quarter Sessions of the said County and City and Liberty, and shall be deemed to be Records to all Intents and Purposes whatsoever; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

XXXVIII. And be it enacted, That if in any Case the Owner or Owners of any House or Building, or of any Yard or Curtilage occupied therewith, Part only of which Premises shall at any Time be required by the said Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell or dispose of such Part only of such House, Building, Yard, or Curtilage as shall be required by the said Commissioners, it shall and may be lawful for the said Commissioners and they are hereby required, at the Option of any Owner or Owners of any such House, Building, Yard, or Curtilage, to purchase of and from the said Owner or Owners the whole, or such Part thereof over and above such Part thereof as may be wanted for the Purposes of this Act as such Owner or Owners shall think fit, and to apply so much and such Part thereof as they the said Commissioners, with such Consent and Approbation as aforesaid, shall see fit, for the Purposes aforesaid; and that if such Owner or Owners shall not or cannot agree with the said Commissioners for the Price to be paid for the Purchase of the whole or such Part thereof as aforesaid of such House, Building, Yard, or Curtilage, then the Value thereof shall be settled and ascertained by a Jury in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be settled and ascertained; and all such other Proceedings shall take place respecting the said Premises as are herein-before mentioned and directed with respect to the Premises the Value of which shall be ascertained by a Jury in the Manner aforesaid.

XXXIX. And be it enacted, That in all Cases in which any Person or Persons shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he, she, or they shall claim to be possessed or entitled unto in any Tenements or Hereditaments intended to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the said Commissioners are hereby authorized to require such Person or Persons to produce or show the Demise or Lease, or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his, her, or their Power; and if such Demise or Lease, or Agreement for Demise or Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after Demand made by the said Commissioners, or any Person by them authorized, the Person or Persons claim-

Commissioners empowered to purchase the whole of the Premises if the Owners are unwilling to sell a Part.

Persons holding under Leases to produce the same.

ing such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

For settling
Disputes as to
Damages to a
small Amount.

XL. And be it enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act, as to the Amount or Value of the Damages done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the City of *Westminster* if the Property is situate in that City, and for the County of *Middlesex* if the Property is out of the City, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners; and such Magistrates may examine Witnesses and administer Oaths in all respects, and with the same Consequences as to false swearing, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

Commissioners
not to take pos-
session until
the Purchase
Money is ten-
dered or paid.

XLI. Provided always, and be it enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be made or paid pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party or Parties entitled to the same, or into the Bank of *England* as herein mentioned, before the said Commissioners, or any Person or Persons authorized by them, shall proceed to take possession or pull down any House or Houses or other Erections or Buildings comprised in or affected by such Agreement or Verdict respectively, or to use the Ground for any of the Purposes of this Act.

Commissioners
empowered to
take possession
on Payment of
Purchase
Money into
the Bank of
England.

XLII. And be it enacted, That if any Body or Bodies, Person or Persons, seised or possessed of or interested in any such Tenements or Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances thereof, then and in any of such Cases, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed or shall have been assessed and awarded by any Referee or Referees, or by any Jury or Juries, in manner aforesaid, to be paid for the Purchase of or for the Value of the same Premises, into the Bank of *England*, as herein-after directed and required (in case the same shall be requisite), for the Use of such Person or Persons so interested in or entitled as aforesaid, such Tenements or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Bodies, Person or Persons, or unknown Person or Persons, to whose Credit such Money shall be paid, in, to, and out of the Tenements, Hereditaments, and Premises to

be purchased as aforesaid, shall from thenceforth vest in the said Commissioners and their Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, and with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin, or any other Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, and to the same Premises to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue and Issues of such Person or Persons, and every other Person whomsoever; and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the said Commissioners, and under the Regulations in this Act mentioned and contained.

XLIII. And be it enacted, That if any Money shall be agreed or assessed to be paid for any Houses, Buildings, Grounds, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the said Commissioners, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing the Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Appropriation of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Houses, Buildings, Ground, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances,

Application of
Purchase
Money when
amounting to
200l.

1 G. 4. c. 35.

cumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or affecting other Houses, Buildings, Ground, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing and undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Ground, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

When less than
200*l.* and
amounting to
20*l.*

XLIV. Provided also, and be it enacted, That if any Houses, Buildings, Grounds, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Bodies, Person or Persons, making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed,

directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

XLV. Provided always, and be it enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Parts, Shares, Estates, Interests, and Charges, so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of the Infancy or Lunacy of such Person or Persons, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively. When less than 20l.

XLVI. And be it enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid, or shall be awarded by any Referee or Referees or Umpire, or by any Jury or Juries, for the Purchase of any Tenements or Hereditaments, or any Parts, Shares, Estates, or Interests therein or Charge thereon, to be purchased, taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person or Persons to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Buildings, Ground, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, be not known or discovered, then and in every such Case it shall and may be lawful for the said Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges (describing such Tenements or Hereditaments), but if such Party or Parties shall not be known, then to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court of Exchequer; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Body or Bodies, Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person In case of not making out Titles.

or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise, the Person in Possession shall be deemed entitled until the contrary be shown.

XLVII. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest in, to, or upon any Tenements or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in Possession of such Houses, Buildings, Ground, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, at the Time of such Purchase, and all Body or Bodies, Person or Persons, claiming under such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Ground, Tenements, and Hereditaments, Parts, Shares, Estates, Interests, or Charges according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein, or Charge thereon.

Court of Exchequer may order Expences of Purchases to be paid by the Commissioners.

XLVIII. Provided also, and be it enacted, That where, by reason of any Disability or Incapacity of the Body or Bodies, Trustee or Trustees, Corporation, or other Person or Persons entitled to any Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money out of the Monies applicable to the Purposes of this Act as the said Court shall direct.

When the Title is defective by reason of a Rent payable out of other Estates, as well as Heredita-

XLIX. And be it enacted, That where the Money awarded to be paid for any Tenements or Hereditaments which shall be taken for the Purposes of this Act shall be paid into the Bank of *England* in manner herein-before directed, in consequence of a good Title not having been made to such Tenements or Hereditaments to the Satisfaction of the said Commissioners, or any Person or Persons authorized

authorized by them, by reason of the same Tenements or Hereditaments respectively being subject, together with other Hereditaments not required for the Purposes of this Act, to a Rent payable to some Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, unable or unwilling to release therefrom the Tenements or Hereditaments so to be taken, then and in every or any such Case the Tenements or Hereditaments for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed and be awarded to be paid, shall be and are hereby released and for ever discharged from such Rent, and all Claims and Demands in respect thereof; and the Money to be paid into the Bank of *England* shall be laid out and invested, under the Direction and with the Approbation of the Court of Exchequer, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the Tenements and Hereditaments for the Value of which such Monies respectively shall have been paid as aforesaid, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled (subject, together with such other Tenements or Hereditaments, to such Rent,) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Tenements or Hereditaments so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Tenements or Hereditaments hereby directed to be purchased in case such Purchase and Settlement were made; and the Tenements or Hereditaments so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner, to all Intents and Purposes, as the Tenements or Hereditaments taken or to be taken for the Purposes of this Act as aforesaid were subject thereto; and the Body or Bodies, Person or Persons, to whom such Rent shall be payable, shall have such and the same Powers and Remedies for enforcing the Payment thereof or of any Part thereof, out of or upon the Tenements or Hereditaments to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as they, he, or she would have been entitled to if such Rent had originally been reserved out of or charged upon the same, instead of the Tenements or Hereditaments to be taken for the Purposes of this Act, and in the same Manner to all Intents and Purposes as such Rent was reserved

ments required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Estates, which shall be subject to the Rent in the same Manner.

Power to purchase the Release of Hereditaments wanted from Rents charged thereon, or to apportion the same.

out of or charged upon such last-mentioned Tenements or Hereditaments, together with the other Tenements or Hereditaments subject thereto; and in the meantime and until such Purchase shall be made it shall be lawful for the said Court of Exchequer, if the said Court shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Bodies, Person or Persons, for the Time being entitled to the said Rent, in discharge thereof or Part thereof, as the Case may be.

L. And be it enacted, That where any Tenements or Hereditaments purchased, or wanted or intended to be purchased, by the said Commissioners, shall be subject, solely, or jointly with other Tenements or Hereditaments not intended or wanted to be purchased, to or with any Rent-service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to agree for the Release of the Tenements or Hereditaments so purchased, or wanted or intended to be purchased, from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance for such gross Sum as shall be agreed upon between the said Commissioners and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons and Corporations by this Act authorized and empowered to sell or convey Lands; and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Monies on the Sale of Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments purchased, or wanted or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments jointly subject to Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Tenements or Hereditaments purchased, or wanted or intended to be purchased, and of the Tenements or Hereditaments not purchased, or wanted or intended to be purchased, by the said Commissioners; and all Contracts, Conveyances, and Assurances which shall be made by and between or to the said Commissioners and any such Party as aforesaid, respecting such Release, shall be valid and effectual in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Tenements or Hereditaments so jointly subject, and the same shall in fact be, a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Tenements or Hereditaments so purchased

chased by the said Commissioners therefrom, then and in such Case it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Tenements or Hereditaments so purchased therefrom, (with the Consent of the Owner of the Lands so purchased, and also of the Owner of the Tenements or Hereditaments so jointly subject as aforesaid,) to release the Tenements or Hereditaments so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Tenements or Hereditaments, on condition or in consideration of such other Tenements or Hereditaments continuing or remaining wholly and exclusively subject to the whole of such Rent, Payment, or Incumbrance: Provided also, that when any of the Tenements or Hereditaments purchased by the said Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Tenements or Hereditaments, by the said Commissioners, such last-mentioned Tenements or Hereditaments shall be charged only with the Remainder of such Rent, Payment, or Incumbrance; and such Apportionment shall not prejudice the Title to the remaining Rent, or Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, it shall be lawful for the said Commissioners, on Tender for that Purpose by any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to indorse a Memorandum on such Deed or Instrument, declaring what Part of the Tenements or Hereditaments only subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

LI. And be it enacted, That in all Cases in which a Part only of any Tenements or Hereditaments comprised in any Lease or Agreement for Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall be apportioned between the Tenements or Hereditaments required for the Purposes of this Act and the Residue of such Tenements and Hereditaments; and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Tenements or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with, and shall not be valid without, the Consent and Approbation of the Lessor from whom such Tenements or Hereditaments are holden or agreed to be holden, and any Person hereby capacitated to sell who shall be

Rents on
Leases to be
apportioned.

be a Lessor shall be capacitated to assent, and to bind the Property in respect of such Assent; and after such Apportionment the Tenant or Lessee of the Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Tenements or Hereditaments not required for the Purposes of this Act; and the Lessor of the said Tenements or Hereditaments shall have all such and the same Remedies for the Rent so apportioned, in respect of the Tenements or Hereditaments not required for the Purposes of this Act, as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Tenements or Hereditaments comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall as to such last-mentioned Tenements or Hereditaments, but not further or otherwise, continue in full Force and Operation.

Mortgagees to
convey to the
Commissioners.

LII. And be it enacted, That all Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and all other Persons having any Mortgage on any Tenements or Hereditaments which shall be required to be taken for the Purposes of this Act, (and whether entitled thereto in their own Right, or in Trust for any other Body or Bodies, Person or Persons, and whether in Possession of such Tenements or Hereditaments by virtue of such Mortgage or not, and whether such Mortgage shall affect such Tenements or Hereditaments solely, or jointly with any other Tenements or Hereditaments which shall be so required,) shall, on Payment or Tender by the said Commissioners, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, (which Tender and Payment the said Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party or Parties entitled to the Equity of Redemption) of and in the Tenements or Hereditaments so mortgaged, in case the same shall be sufficient for the Purpose, immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Tenements or Hereditaments which shall be so required, to the said Commissioners and their Successors, or to such Person as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall appoint; or in case such Mortgagees shall have Notice in Writing from the said Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Tenements or Hereditaments, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or less Number of Calendar Months, to be computed from the Day of giving such Notice, then at the End of Six or less Number of Calendar Months, on Payment or Tender by the said Commissioners of the Principal Money and Interest which would

would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Tenements or Hereditaments which shall be so required for the Purposes of this Act to the said Commissioners and their Successors, or as the said Commissioners shall direct; and in case any such Mortgagees shall refuse to convey, assign, or transfer as aforesaid, on such Payment or Tender respectively as aforesaid, then, on Payment of such Money, Interest, and Costs into the Court of Exchequer, as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease and determine: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse to convey assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any), due on any such Mortgage as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or as soon after as possible, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance, for the Use of such Mortgagee, at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance, as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee and of all Persons in Trust for him, or for whom he shall be Trustee, shall vest in the said Commissioners and their Successors, who shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

LIII. And be it enacted, That in all Cases in which any Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, which Tenements or Hereditaments shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Tenements or Hereditaments, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Tenements or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Tenements or Hereditaments, or, as the Case may be, of such Part of the said Tenements or Hereditaments as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such

As to Cases where Mortgage Money is more than the Value of the Premises, or a Part only of the Premises is taken.

such Mortgagee or Mortgagees, and the Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, Person or Persons entitled to the Equity of Redemption of such Tenements or Hereditaments, whether absolutely or for such Estate as might capacitate him, her, or them to convey for the Purposes of this Act, on the one Part, and the said Commissioners on the other Part; and in case of any Difference between them then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his, her, or their Claim, so far as the same will extend; and such Mortgagee or Mortgagees shall thereupon convey, assign, and transfer all his, her, or their Interest in such mortgaged Tenements or Hereditaments the Value whereof shall so have been agreed upon or determined as aforesaid, or in case of his, her, or their neglecting or refusing to convey, assign, or transfer as hereinbefore directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of the said Mortgagee or Mortgagees, as by this Act is provided in Cases of the like Nature; and such Payment to the Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be accepted in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon; and thereupon such mortgaged Tenements or Hereditaments shall become absolutely vested in the said Commissioners and their Successors, who shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Tenements or Hereditaments not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Tenements or Hereditaments originally comprised in such Mortgage: Provided also, that when a Part only of the Tenements or Hereditaments (subject to any Mortgage) shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Tenements or Hereditaments so taken shall, on the Assignment or Conveyance thereof to the said Commissioners and their Successors, have been paid to the Mortgagee or Mortgagees thereof in part Satisfaction of his, her, or their Mortgage Debt, a Memorandum of what shall have been so paid shall be indorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to the said Commissioners, and shall be signed by such Mortgagee or Mortgagees; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Commissioners to the Person or Persons so entitled as aforesaid to the Equity of Redemption of the Tenements or Hereditaments comprised in such Mortgage Deed.

LIV. And be it enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in Possession of any such Houses, Buildings, Ground, Tenements, or Hereditaments, or any Part thereof, which shall be purchased by virtue of this Act, or vested in the said Commissioners for the Purposes aforesaid, who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year, or from Year to Year, shall, at the End of Six Calendar Months next after Notice in Writing, signed by the said Commissioners, shall have been given to him, her, or them, or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, quit and relinquish the said Premises unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his or her Term or Interest in any such Premises, then and in such Case the said Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he or she shall sustain thereby; and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall or may be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Ground or Hereditaments are herein-before directed to be ascertained; or if the said Commissioners and the other Parties in difference shall agree, the same may be settled by a Reference to the Award of Arbitrators, to be chosen by the Parties in difference; and that all and every Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, in Possession of any Houses, Buildings, Ground, Tenements, or Hereditaments, or any Part of any Houses, Buildings, Ground, Tenements, or Hereditaments, which shall or may be purchased in pursuance of this Act by the said Commissioners, or vested in them for any of the Purposes aforesaid, shall, upon Tender or Payment as aforesaid of such Recompence or Satisfaction for any of his, her, or their Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees, or Umpire, or by Verdict or Inquisition of a Jury, in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Person or Persons shall hold the said Premises, shall, at and from the End and Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, be absolutely void and of none Effect as against the said Commissioners; and if any such Tenant at Will, or Lessee, or other Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, as aforesaid, shall refuse or neglect to deliver up the Premises in his, her, or their Possession, at the Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace for the County of *Mid-dlesex*, or the City and Liberty of *Westminster*, as the Case may be,

Tenants at Will
or from Year
to Year to quit
after Notice.

be, to issue his Precept or Warrant to the Constables of the said County and City for the Time being, or any of them, or to any Person or Persons to be by such Justice appointed a Constable or Constables for that especial Purpose, commanding and requiring such Constable or Constables, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same on behalf of such Commissioners, and the said Constables, and every of them, are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly.

Persons authorized to sell may refer to Arbitrators to fix the Price.

LV. And be it enacted, That all Persons hereby capacitated to sell, and who may not agree with the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as to the Price to be paid, may, if they shall think fit, agree with the said Commissioners to refer it to any Person or Persons to ascertain the Amount to be paid; and every such Agreement shall be in all respects binding and effectual.

Power to clear the Ground, and sell old Materials.

LVI. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased by virtue of this Act, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the Houses and other Buildings to be taken down and removed pursuant to this Act; and the Monies to be produced by the Sale thereof, after deducting the Expences of pulling down such Houses and Buildings respectively, and of such Sale or Sales, and also the Rents and Profits of such Tenements and Hereditaments to be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be applied and disposed of for or towards the Purposes of this Act or any of them.

Commissioners may grant Building Leases of Ground not wanted, which they may think proper to be let.

LVII. And be it enacted, That as regards all or any Ground or Hereditaments which shall be purchased, and which shall not be wanted for the Purposes of being made into Thoroughfares, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized, when and as they shall think fit, by an Indenture or Indentures under their Common Seal, to demise and lease such Ground and Hereditaments, or such Part thereof as they shall think it expedient to let, on Building Leases, either altogether or in Parcels, to any Person or Persons who shall erect and build, or covenant and agree to erect and build thereon, or on any Part or Parts thereof, Houses, Erections, and Buildings, of such Rate or Class or respective Rates or Classes of Buildings, upon such Plan and Elevation or respective Plans and Elevations, of such Height or respective Heights, and with such Stories, as the said Commissioners shall think proper, for any Number of Years as they shall think fit, and under such Conditions, and either at a Rent or without any Rent, but so that in every such Demise or Lease there be contained a Covenant for the Payment of the

Rent,

Rent, if any shall be thereby reserved, and also such other Covenants on the Part of the Tenant or Lessee therein to be named, as the said Commissioners shall reasonably advise or require, and also a Clause in the Nature of a Condition of Re-entry on Non-payment of the Rent, if any thereby be reserved, or on Non-performance of the Covenants therein to be contained, on the Part of the Tenant or Lessee to be observed and performed; and the Lessee or Lessees named in each such Lease shall execute a Counterpart thereof; and further, that in any such Lease the said Commissioners may, if they think fit, accept and take any Fine for the granting thereof, and may enter into any Agreement for the granting any Lease or Leases, on such Terms and Conditions as they may think fit, and on the granting the Leases in pursuance of such Agreements may alter the Amount of the Rents agreed to be reserved in such Leases, and may apportion the same, and grant separate Leases of any Part of the Hereditaments by any such Agreement agreed to be leased, as they think fit, and may also, as they think fit, alter or rescind any Agreement as aforesaid, and may accept any Surrender of any Lease granted, for the Purpose of granting separate Leases of the same Premises at apportioned Rents or under different Covenants, or otherwise in all respects as the said Commissioners shall think fit, and that any Part of the said Ground may be appropriated for Squares, Gardens, or open Places, and any Part thereof may be left for Yards or Courts to be attached to any Houses agreed to be leased, as the said Commissioners shall think fit.

Commissioners
may make
Agreements for
Leases, and
accept Sur-
renders of
Leases, &c.

LVIII. And be it enacted, That as soon as conveniently may be, and either before or after the Houses, Erections, and Buildings to be erected and built as herein-before is mentioned, or any of them, shall be finished and completed, and either before or after such Leases shall have been granted, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and they are hereby authorized and required to sell and dispose of, or cause to be sold and disposed of, the Ground Rents to be reserved by the Lease or Demise, or Leases or Demises so agreed to be reserved by any such Agreement as aforesaid, in pursuance or in consideration of which the same Houses respectively shall have been erected and built, or shall be agreed to be erected and built, and also the Reversion and Inheritance in Fee Simple in Possession (subject to such Lease or Demise, or Leases or Demises, Agreement or Agreements, of the Pieces or Parcels of Ground therein demised or agreed to be demised), and such Houses and other Buildings therein, either altogether or in Parcels, by public Auction or private Contract, for such Price or Prices or Sum or Sums of Money as the said Commissioners shall think reasonable, and subject to such Stipulations and Provisions as to the Enjoyment thereof, and as to the Nature of the Buildings which are to be at all Times erected and built, and also subject to such Stipulations as to the Title to be produced to the Hereditaments to be sold, as the said Commissioners shall think fit; and as regards any Stipulations or Provisions which may be contained in any such Conveyance, the same may at all Times thereafter be enforced in a Court of Equity by the said Commissioners for the Time being, for the Benefit of the Parties entitled to the other Property

Commissioners
of Woods to
sell the Ground
Rents and Re-
versions to be
comprised in
such Leases.

Property adjoining or held under the same Title, in such Manner in all respects as the said Commissioners may think fit; and the said Commissioners shall and they are hereby empowered and required, at the Request, Costs, and Charges of the Purchaser or Purchasers of the same Premises respectively, upon Payment of the Sum or Sums of Money agreed to be given for the same respectively to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by any Writing under their Common Seal, to convey and assure the Piece or Parcel of Ground, or Pieces or Parcels of Ground, so purchased by such Purchaser or Purchasers respectively, together with the Houses, Erections, and Buildings then erected and built or to be erected and built thereon respectively, and the Fee Simple and Inheritance thereof, with the Appurtenances, to such Purchaser or Purchasers respectively, his, her, or their Heirs and Assigns respectively, or as he or they respectively shall in that Behalf order or direct, free from all Incumbrances, (except the Building Lease or Building Leases, or Agreement or Agreements, to be granted thereof by virtue of this Act); and that all Conveyances and Leases which shall be made as aforesaid pursuant to the Authority hereby in them reposed shall be adjudged sufficient to vest such Estate in the Purchaser or Lessee as shall have been agreed for, or shall be expressed or meant and intended to be conveyed and granted by any such Conveyance or Lease; and every such Lease, Agreement, and Conveyance, to be made under the Authority of this Act, may be in the Form or to the Effect as the said Commissioners shall order or direct; and it shall not be necessary that any such Conveyance as aforesaid should be made by Bargain and Sale enrolled, Feoffment, or Lease and Release.

Commissioners
of Woods em-
powered to sell
any Ground
which may not
be wanted.

LIX. And be it enacted, That it shall be lawful for the said Commissioners to sell and dispose of, in manner and subject as aforesaid, and absolutely to grant and convey, such Part or Parts of any of the Hereditaments which may be acquired under the Powers of this Act, and which they shall not think proper to let on Building Leases as aforesaid, subject nevertheless to such Stipulations and Conditions as they may think fit, and thereupon the same shall be conveyed and assured by the said Commissioners as they shall think fit.

Purchase
Monies and
Rents to be
applied to any
of the Purposes
of the Act.

LX. And be it enacted, That all and every Sum and Sums of Money which shall be received by the said Commissioners from any Sales herein-before directed to be made, or as the Premium on the granting any Building Lease, or which may be received on the rescinding any Contract, or which shall be forfeited in respect of the Nonperformance of any Contract, and all other the Monies (if any) and also the Rents (if any) of all the Hereditaments which may be acquired under or by virtue of this Act, until the same shall be sold, shall, after Payment of the Costs and Expenses of the said Sale or Sales, which are hereby directed to be paid thereout, be applied in or towards any of the Purposes of this Act.

Monies not
required under
3 & 4 Vict. c. 87.
to be applied
under this Act.

LXI. And be it enacted, That all and every the Monies from Time to Time applicable to the Purposes of the secondly herein-before recited Act, which shall not be wanted for the effectuating the Purposes of the said last-mentioned Act, shall (after the Completion of such Purposes) be paid over to the Commissioners for
the

the carrying into effect this Act, and shall be by them applied for the Purposes of this Act.

LXII. And be it enacted, That the Receipts in Writing of the said Commissioners, or any Two of them, for any Monies payable to them under or by virtue of this Act, or the Powers herein contained, shall be good and sufficient Discharges for the same to any Purchaser, Lessee, or other Persons paying the same.

Receipts of Commissioners to be Discharges.

LXIII. And be it enacted, That it shall be lawful for the said Commissioners to raise any Monies which they may think fit, for the Purposes of this Act, by Mortgage of all or any of the Hereditaments to be acquired for the Purposes of this Act, and either before or after the same shall have been acquired; and the Monies so to be borrowed, and the Interest thereof, may be paid off at such Times and in such Manner as the said Commissioners shall agree on, by and out of any of the Monies from Time to Time applicable to the Purposes of this Act; but no such Monies shall be so applicable unless the said Commissioners shall specifically direct the same to be so applied; and every such Mortgage shall be made in such Form as the said Commissioners for the Execution of this Act may direct.

Commissioners empowered to raise Money on Mortgage of Premises.

LXIV. And be it enacted, That it shall and may be lawful to and for the Commissioners for issuing Exchequer Bills for public Works, acting in execution of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George the Third*, and of several subsequent Acts for amending and extending the same, and they are hereby authorized, to advance and lend to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, any Sum or Sums of Money in Exchequer Bills, on Mortgage of the Hereditaments to be acquired under this Act, and either before or after the same shall have been acquired, and at such Rate of Interest as the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury as aforesaid, or any Three of them, shall approve and direct.

Commissioners of Exchequer Bills may advance Money on Mortgage of Houses, &c.

LXV. And be it enacted, That upon the said Commissioners for the issuing of Exchequer Bills making such Advance to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings as aforesaid, the said last-mentioned Commissioners shall thereupon convey or agree to convey to the Secretary for the Time being of the said Commissioners for the Issue of Exchequer Bills, his Heirs and Assigns, or as the said Commissioners shall direct, all or any Part of the said Hereditaments to be acquired under this Act, as a Security for the Repayment of the Amount of the said Exchequer Bills, with Interest thereon, at such Time or Times as the said Lord High Treasurer or Commissioners of Her Majesty's Treasury as aforesaid, or any Three or more of them, shall appoint; and any such Loan may be made before the actual Purchase and Acquisition of any such Hereditaments as aforesaid.

Security to be given for the Repayment of Exchequer Bills and Interest.

LXVI. And be it enacted, That no Purchase, Lease, Agreement for Lease, Sale, or Mortgage, to be made by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be made, except with the Assent in Writing of the Lord High Treasurer of *Great Britain*, or Three of the

Purchases, Sales, &c. to be made under the Authority of the Treasury.

Commissioners for executing the Office of Lord High Treasurer; but it shall not be necessary for any Purchaser, Mortgagee, or Lessee to ascertain that such Consent has been given as aforesaid, nor shall the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings be bound to produce to any such Purchaser, Mortgagee, or Lessee any Evidence of such Assent: Provided nevertheless, that such Assent may be given either generally for any particular Class of Cases, or for any particular Purchase, Lease, Agreement for Lease, or Mortgage, as to the said Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer as aforesaid may seem meet.

Materials, &c.
vested in the
Commissioners.

LXVII. And be it enacted, That the Right and Property of all and every the Gates, Bars, Posts, Rails, Sheds, Carts, Engines, Materials for paving, Implements, Utensils, and Things whatsoever, which may be erected and set up or provided by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or by their Order or otherwise, belonging to and used by them for carrying the Purposes of this Act into execution, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the said Commissioners, in pursuance of the Powers of this Act, shall be vested in the said Commissioners, and they are hereby authorized and empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action or Actions, and to prefer and prosecute with effect any Bill or Bills of Indictment, against any Person or Persons who shall steal, secrete, injure, damage or dispose of the same or any of them respectively, to their own Use and Uses, or shall disturb them the said Commissioners, or their Officers or other Persons acting under them, in the Possession thereof.

Commissioners
to cause Actions
to be brought
for Breach of
Contracts.

LXVIII. And be it enacted, That in case any Contract entered into in pursuance of this Act with the said Commissioners for any Purchase or Lease, or in case all or any of the Works to be done in pursuance of this Act shall not be well and sufficiently performed, according to the Intent and Meaning of any Contract or Contracts to be entered into by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for any of the Purposes of this Act, or shall not be completed within the Time or Times specified in such Contract or Contracts, then and in every such Case the said Commissioners may cause an Action to be brought in any of Her Majesty's Courts of Law at *Westminster* against any such Contractor or Contractors, for any Penalty contained in his Contract, and on Proof of the signing of the said Contract, and Nonperformance thereof at the Times for that Purpose to be therein mentioned, the said Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding; which Penalty, when recovered, shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the said Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him for the Breach or Nonperformance of any such Contract,

Contract, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract, and all Costs, Charges, or Expences which shall be occasioned thereby.

LXIX. And be it enacted, That no Contract, Conveyance, Lease, Deed, or other Instrument, which shall be made, granted, or executed under any Powers or Authorities hereby granted, nor any Contracts or Agreements, Bonds or other Securities, Assignments, Conveyances, or other Deed or Instrument, which shall be made, entered into, or executed by any Person or Persons to or with the said Commissioners, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty whatever imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specifically charged in and by such future Act.

Deeds, &c. not
liable to Stamp
Duty.

LXX. And be it enacted, That, notwithstanding any of the Provisions contained in the first herein-before recited Act of the Third and Fourth Years of the Reign of Her present Majesty, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall from Time to Time render and give an Account to the Commissioners for auditing public Accounts, of the Amount of all Monies which shall be raised or received by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or by virtue of the Provisions of the said recited Act of the Second and Third Year of the Reign of Her present Majesty, and the said first herein-before recited Act of the Third and Fourth Year of the Reign of Her present Majesty, and of this Act, or by the Sale or Mortgage, or from the Rents and Profits of any Houses, Buildings, Lands, Tenements, Rents, or Hereditaments hereby authorized to be sold, mortgaged, demised, or let, or by the Sale of the Materials of any Houses or Buildings to be pulled down and sold as aforesaid, or by any Penalties, Forfeitures, or Fines hereby inflicted or authorized to be imposed, and directed to be paid to the said Commissioners, and of all other Monies which shall be received by them under or by virtue of the Authority of the said recited Acts and this Act, and of the Application of all such Monies for the Purposes of the said recited Acts and this Act; and every such Account, when so rendered and given as aforesaid, shall be examined, tried, and audited by the said Commissioners for auditing the public Accounts, pursuant to the Provisions of an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the better examining and auditing the public Accounts of the Kingdom*.

Commissioners
of Woods, &c.
to render Ac-
counts of their
Receipts and
Expenditure
from Time to
Time to the
Commissioners
for auditing pub-
lic Accounts.

25 G. 3. c. 52.

LXXI. And be it enacted, That all Persons who upon any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence or otherwise forswear themselves before any Jury, or before any Justice of the Peace acting as such in the Execution of such Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in force subject and liable to.

Punishing Per-
sons for giving
false Evidence.

Plaintiff not to
recover without
Notice or after
Tender of
Amends.

LXXII. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover if Tender of good and sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action the Plaintiff or Plaintiffs shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of
Actions.

LXXIII. Provided always, and be it enacted, That no Action or Suit shall be brought or prosecuted against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act, after Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages then after Three Calendar Months next after the doing or committing such Damages shall have ceased, and not afterwards; and every such Action and Suit shall be laid and brought in the Liberty or County where the Matter in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his, her, or their Election, plead specially, or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant or Defendants.

For protecting
the Rights of
the Commis-
sioners of
Sewers.

LXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice or diminish, alter or take away, any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, or in the Commissioners of Sewers for the Limits of *Holborn* and *Finsbury* Divisions,

sions, or in the Commissioners of Sewers for the *Tower Hamlets* (excluding *Saint Katherine's* and *Blackwall Marsh*), in the County of *Middlesex*, except as herein-before is enacted.

LXXV. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and they are hereby authorized, by and with the Consent of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time to appropriate and pay, out of the Monies to be borrowed and raised by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Powers and Provisions of this Act, to the Commissioners named and appointed in and by the lastly herein-before recited Act, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-five thousand Pounds, to be by the said last-mentioned Commissioners applied towards the Expence of making, forming, and completing the said Street to *Clerkenwell Green* as aforesaid: Provided always, that upon the said Sum of Twenty-five thousand Pounds being appropriated and paid by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as last aforesaid, the Commissioners to whom the same shall be so appropriated and paid shall give or provide (if required) such Security or Assurances, to make, form, and completely finish the Street, Thoroughfare, or other Improvement in aid of which such Advance shall be made as aforesaid, as the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, or any Three or more of them, may think proper: Provided also, that in case any such Security or Assurance shall be required as aforesaid, it shall be lawful for the said Commissioners named and appointed by the said lastly herein-before recited Act, and they are hereby empowered, to enter into such Security or Assurance, and thereby to charge all and every the Property and Effects vested or to be vested in them or at their Disposal, and also to enter into any Contracts or Agreements with any Person or Persons willing to give any such Security, upon such Terms or Conditions, with respect to the mortgaging, leasing, purchasing, or selling the Whole or any Part of the Land authorized to be taken by virtue of the said lastly herein-before recited Act, as they may think desirable.

Commissioners of Woods empowered to advance Monies for completing the Street to Clerkenwell Green.

LXXVI. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and they are hereby authorized and empowered, by and with the Consent and Approbation of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time and at such Time or Times as they the said last-mentioned Commissioners, in the Exercise of their Discretion, shall think fit and proper, to appropriate and apply, out of the Monies to be borrowed and raised by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Powers and Provisions of this Act, in case they the said Commissioners shall be authorized and empowered, by any Act or Acts of Parliament to be passed for that Purpose, to make, form, and complete the said Line of Street

Commissioners empowered to advance Monies for completing certain other Improvements in Southwark and Westminster.

between *Southwark* and *Westminster Bridge*, or in case any other Trustees or Persons shall in and by any such Act or Acts as aforesaid be authorized and empowered to make, form, and complete such Street, then to advance and pay to such Trustees or Persons as last aforesaid any Sum not exceeding the Sum of Thirty thousand Pounds towards the Expence of making, forming, and completing the same Street; and also, with such Consent and Approbation as aforesaid, to appropriate and apply, out of the Monies to be borrowed and raised as aforesaid, in case the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be authorized and empowered by any Act or Acts of Parliament to be passed for that Purpose to make, form, and complete the said Communication between the Neighbourhood of the Houses of Parliament and that of *Buckingham Palace*, or in case any other Trustees or Persons shall in and by any such Act or Acts as aforesaid be authorized and empowered to make, form, and complete such Communication, then to advance and pay to such Trustees or Persons as last aforesaid any Sum not exceeding the Sum of Thirty-nine thousand Pounds towards the Expences of making, forming, and completing such Communication as last aforesaid: Provided always, that in case the said last-mentioned Sums of Thirty thousand Pounds and Thirty-nine thousand Pounds, or either of them, shall be appropriated and paid by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to any Trustees or other Persons who may be respectively authorized and empowered to make, form, and complete such Two last-mentioned Communications as aforesaid, such respective Trustees or other Persons shall give or provide (if required) such Security or Assurances to make, form, and completely finish the Street, Thoroughfare, or other Improvement in aid of which any such Advance shall be made as aforesaid, as the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, or any Three or more of them, may think proper: Provided also, that in case any such Security or Assurance shall be required as aforesaid, it shall be lawful for the said respective Trustees or other Persons named and appointed by any such Act or Acts as aforesaid, and they are hereby empowered, to enter into such Security or Assurance, and thereby to charge all and every the Property and Effects vested or to be vested in them, or at their Disposal, and also to enter into any Contracts or Agreements with any Person or Persons willing to give any such Security, upon such Terms or Conditions with respect to the mortgaging, leasing, purchasing, or selling the whole or any Part of the Land authorized to be taken by virtue of such Act or Acts, as they may think desirable.

Dean and Chapter of Westminster authorized to sell, and Commissioners of Woods enabled to purchase or take on Lease,

LXXXVII. 'And whereas it is in contemplation by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to recommend to Her Majesty, with a view to public Improvement, and the Accommodation of the Inhabitants of the new Squares, Streets, and Places that have lately been erected and formed in the Neighbourhood of *Knightsbridge* in the County of *Middlesex*, to make a new Thoroughfare and Opening into *Hyde Park*, subject to such Regulations as
' Her

Her Majesty may approve of: And whereas the Dean and Chapter of the Collegiate Church of *Saint Peter Westminster* are the Owners of certain Ground and Houses on the North Side of the *Knightsbridge* Road, and immediately adjoining that Part of *Hyde Park* where the intended Opening is proposed to be made, and it is essential to the Accomplishment of the projected Improvement that the said Dean and Chapter should have Power to sell, or to lease for any Term not exceeding Ninety-nine Years, to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, certain small Portions of such Ground and Houses, for the Purpose of enabling the said Commissioners to make the said intended Opening, and to erect Houses of a suitable Class and Elevation on each Side thereof; be it enacted, That it shall be lawful for the said Dean and Chapter of the Collegiate Church of *Saint Peter Westminster*, and they are hereby authorized and empowered, to contract for, sell, and convey to Her Majesty, Her Heirs and Successors, at such Price or Prices as shall be agreed upon, or ascertained in manner prescribed by the Act herein-after referred to to be the fair Value thereof, all or any Part of the Ground and Hereditaments herein-after described; that is to say, all that Piece or Parcel of Ground, with the *Cannon* Brewery, the *Fox and Bull* Public House, and other Buildings, thereon erected and built, situate on the North Side of the *Knightsbridge* Road aforesaid, bounded on the East by the Watercourse leading from and out of the *Serpentine* River to the River *Thames*, and extending Westward from such Watercourse Two hundred and thirty Feet or thereabouts on the North and South Sides thereof, and containing in Breadth One hundred and thirty Feet or thereabouts on the West Side thereof, and One hundred Feet or thereabouts on the East Side thereof; and also all that other Piece or Parcel of Ground, with the several Messuages and Buildings thereon erected and built, known and distinguished by the Nos. 23, 24, and 25, *Knightsbridge*, bounded on the West by the said Watercourse, and extending Eastwards therefrom Seventy-four Feet or thereabouts on the North and South Sides thereof, and containing in Breadth Eighty-four Feet or thereabouts on the West Side thereof, and Seventy Feet or thereabouts on the East Side thereof, with the Appurtenances; and that it shall be lawful for the said Dean and Chapter, and they are hereby authorized and empowered, by Indenture under their Common Seal, on the Surrender of any existing Lease or otherwise, to grant any Lease or Leases of the same Premises, or of any Part or Parts thereof, to the said Commissioners, or to such Person or Persons as the said Commissioners shall appoint, on behalf of Her Majesty, Her Heirs and Successors, for any Term or Number of Years not exceeding Ninety-nine Years, at such Rent, and subject to such Covenants, Conditions, and Provisoos, and on such Terms, as shall be agreed upon between the said Dean and Chapter and the said Commissioners, and to enter into such Contracts and Agreements for the Purposes aforesaid as to them shall seem proper; and all Contracts, Agreements, Sales, Leases, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever.

certain Ground and Houses at *Knightsbridge* for making an Opening to *Hyde Park*.

In case of the
Grant of a
Lease, Commis-
sioners of Woods
to give Security
for Payment of
reserved Rent,
&c.

LXXVIII. And be it enacted, That in case any Lease shall be granted of the said Ground, Houses, and Hereditaments, or any of them, or any Part or Parts thereof, under the Powers hereinbefore contained, to the said Commissioners, or to any other Person or Persons, on behalf of Her Majesty, Her Heirs and Successors, it shall be lawful for the said Commissioners to give such Security for the due Payment of the Rent to be reserved, and the due Performance of the Covenants to be contained in such Lease, and on the Part of the Lessee or Lessees to be paid and performed, as to the said Commissioners shall seem meet, by way of Charge on the Land Revenues of the Crown under the Management and Control of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and every Security so given shall be good, valid, and effectual.

Powers of
10 G. 4. c. 50.,
with reference
to Contracts,
&c., to extend
to Contracts,
&c. hereby
authorized to
be made.

LXXIX. And be it enacted, That all and every the Powers, Provisions, and Agreements contained in an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, with reference to Contracts, Sales, and Leases to be made to Her Majesty, Her Heirs and Successors, or to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, shall, so far as the same are applicable, extend to the Contracts, Sales, and Leases hereby authorized to be made.

Public Act.

LXXX. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE to which this Act refers.
Coventry Street to Long Acre.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
8, held with 50 & 51, Leicester Square.	Princes Street	John Augustus Tulk	Thomas Milne	Thomas Milne.
9 and 52	Ditto	Ditto	Charles Sherborn	Charles Sherborn.
10	Leicester Square	Sigismund Stokterforth	Robert & R. Gibson	Robert & R. Gibson.
50 & 51, held with 8, Princes Street.	Leicester Square	John Augustus Tulk	Thomas Milne, D. Davies	The Rev. W. Dodsworth, D. Davies.
53	Leicester Square	John Augustus Tulk	Thomas Parke, Elam & Sons.	Elam & Sons.
17	Ditto	Charles Augustus Tulk	Margaret Saunders, Andre Picnot.	Andre Picnot.
1	Cranbourne Street	Marquis of Salisbury	Henry Salter	Henry Salter.
2 &	Ditto	Ditto	-	Elizabeth Smith.
1	Bear Street	Ditto	-	-
3 &	Cranbourne Street	Ditto	-	-
2	Bear Street	Ditto	James Lindley	James Lindley.

Coventry Street to Long Acre — continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
4	Cranbourne Street	Marquis of Salisbury	David Thomas	David Thomas.
5	Ditto	Ditto	James Bruce	James Bruce.
6	Ditto	Ditto	Mary Marshall, David Thomas.	David Thomas.
7	Ditto	Ditto	Mary Marshall, Mary Ann Hobbs, Harriet Reynolds.	Mary Ann Hobbs, Harriet Reynolds.
8	Ditto	Ditto	William Lowley	William Lowley.
9	Ditto	Ditto	-	James Appleby.
10	Ditto	Ditto	James Staines Fitzpatrick	James Staines Fitzpatrick.
11	Ditto	Ditto	William Brodie Gurney	Jane Richards.
12 & 13	Ditto	Ditto	James Ellison	James Ellison.
14	Ditto	Ditto	Francis Ellison	Morris Joseph.
15	Ditto	Ditto	Francis Ellison, Dennis & Murrills.	Dennis & Murrills.
72	Castle Street	Ditto	Alfred Carter	John Simmons.
71	Ditto	Ditto	Edward Beavan	Edward Beavan.
70	Ditto	Ditto	Charles Kelk	Charles Kelk.
3	Bear Street	Ditto	Richard Shuter, Peter Crumb.	Peter Crumb.
4	Ditto	Ditto	William Iliff Catline, John Clarke Spence, William Nichols.	William and John Lindley.
5	Ditto	Ditto	Ditto	Edmund Francis.
1	Cranbourne Alley	Ditto	Robert Barrett	Robert Barrett.

0	Ditto	-	-	-	Henry Baldwin	William White.
7	Ditto	-	-	-	William Lewis, John New-	John Newman Harrison.
10	Castle Street	-	-	-	man Harrison.	
9	Ditto	-	-	-	William Lewis, William	William Jackson.
					Jackson.	
8	Ditto	-	-	-	Thomas Carr & Co., John	John Bateman.
					Bateman.	
7	Ditto	-	-	-	David Bray, Mary Ann	Edward Tarbox.
					Porter, John St. Thomp-	
					son (Executors of John	
					Newman), and Edward	
					Tarbox.	
	Ditto	-	-	-	Edward Tarbox	Ditto.
Back						
Ground.						
6	Ditto	-	-	-	John Newman Harrison,	James and Edward Hutch-
					James and	ings.
					Edward	
					Hutchings.	
5	Ditto	-	-	-	William Ward	William Ward.
1	Little Court, Castle Street	-	-	-	Thomas C. Treslove, John	John Earratt.
					Earratt.	
2	Ditto	-	-	-	Thomas C. Treslove, Fran-	Francis Robinson.
					cis Robinson.	
3	Ditto, the Back of Old	-	-	-	Thomas C. Treslove, George	George Bew Tipping.
	Slaughter's Coffee House.	-	-	-	Bew Tipping.	
14	St. Martin's Court	-	-	-	Margaret Coull, Alfred	Alfred Sharp.
					Sharp.	
13	Ditto	-	-	-	David Griffin, William Brady	William Brady.
12	Ditto	-	-	-	Charles Murton	Charles Murton.
79 & 78.	St. Martin's Lane	-	-	-	Edward Willment	Edward Willment.
77	Ditto	-	-	-	Thomas C. Treslove, Ben-	Benjamin Golding.
					jamin Golding.	

Coventry Street to Long Acre—continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
76	St. Martin's Lane	Marquis of Salisbury	Thomas C. Treslove, Charles Willson.	The Misses Tipping.
75 & 74	Ditto	Ditto	George Bew Tipping	George Bew Tipping.
26	Great Newport Street	Ditto	George Smallbone	George Smallbone.
25	Ditto	Ditto	Charlotte Lavers	Charlotte Lavers.
24	Ditto	Ditto	Benjamin Powell	Benjamin Powell.
23	Ditto	Ditto	Henry Gibbs	Henry Gibbs.
22	Ditto	Ditto	Joseph Mansell	Joseph Mansell.
21	Ditto	Ditto	William Shoveller, Edward Cobbett.	Edward Cobbett.
1	Ditto	Ditto	Thomas How	Thomas How.
2	Ditto	Ditto	Ditto	Thomas Rodd.
2	Upper St. Martin's Lane	Ditto	Robert Gadsden	Robert Gadsden.
3	Ditto	Ditto	Robert Gadsden, William Lowe.	William Lowe.
4	Ditto	Ditto	Edward Baylis	Samuel Martin.
5	Ditto	Ditto	John Dent	Dent and Langridge.
6, and Gateway, Offices, and Part of Yard behind.	Ditto	Ditto	Matthew Clement Allen	Matthew C. Allen.
7	Ditto	Ditto	Mary Holland	Mary Holland.
8	Ditto	Ditto	Edward Baylis	Empty.
9, and Tim- ber Yard.	Ditto	Ditto	George Shadbolt	George Shadbolt.

Plot No.	Plot Description	Plot Area	Plot Value	Plot Name	Plot Owner
6	Back Ground.				
7	Ditto	-	-	Henry Baldwin	William White.
10	Castle Street	-	-	William Lewis, John Newman Harrison.	John Newman Harrison.
9	Ditto	-	-	William Lewis, William Jackson.	William Jackson.
8	Ditto	-	-	Thomas Carr & Co., John Bateman.	John Bateman.
7	Ditto	-	-	David Bray, Mary Ann Porter, John St. Thompson (Executors of John Newman), and Edward Tarbox.	Edward Tarbox.
	Ditto	-	-	Edward Tarbox	Ditto.
6	Ditto	-	-	John Newman Harrison, James and Edward Hutchings.	James and Edward Hutchings.
5	Ditto	-	-	William Ward	William Ward.
1	Little Court, Castle Street	-	-	Thomas C. Trelove, John Earratt.	John Earratt.
2	Ditto	-	-	Thomas C. Trelove, Francis Robinson.	Francis Robinson.
3	Ditto, the Back of Old Slaughter's Coffee House.	-	-	Thomas C. Trelove, George Bew Tipping.	George Bew Tipping.
14	St. Martin's Court	-	-	Margaret Coull, Alfred Sharp.	Alfred Sharp.
13	Ditto	-	-	David Griffin, William Brady	William Brady.
12	Ditto	-	-	Charles Murton	Charles Murton.
79 & 78	St. Martin's Lane	-	-	Edward Willment	Edward Willment.
77	Ditto	-	-	Thomas C. Trelove, Benjamin Golding.	Benjamin Golding.

East Smithfield to Rosemary Lane—*continued.*

Number of Houses.	Situation.	Freeholders.	Leaseholders.	Occupiers.
92, with Wheel- wright's Yard, Shop, &c.	-	Miss Rumball and Alfred Jones.	Edward and James Cox	Edward and James Cox.
93	Ditto	Ditto	Ditto	Alexander Allen.
1, 2, 3, 4, & 5.	Tuerena Court	Joseph Tuerena	John Goodwin	John Goodwin and his weekly Tenants.
15, Soda Water Manufac- tory, Counting- house, &c.	Wells Street	Frederick Cowper and Thomas Russell.	Harry Foster Mellin	Harry Foster Mellin.
Warehouse and Yard, &c.	Ditto	Ditto	-	John Ashwood Hubbard.
Two Ware- houses, Yard, &c.	Ditto	Ditto	John Laidley	John Laidley.
Gateway leading to Back Pre- mises.	Dock Street	Thomas Webster	John Way and John House, John Dwelley.	The St. Katherine's Dock Company and George Hitchcock.
22	Ditto	Ditto	John Way and John House	Mary Thompson.
21	Ditto	Ditto	Ditto	George Cal.

83, held with Yard, Sta- bling, Soap Manufac- tory in Dock Street, and Gateway Entrance from Wells Street.	East Smithfield	-	-	The Trustees of Sir Samuel Stirling's Charity.	Frederick Cowper and Thomas Russell, Trus- tees; Thomas William Jarvis.	Thomas William Jarvis.
84, with Count- ing-house, Workshops, &c. to Dock Street.	Ditto	-	-	Frederick Cowper and Thomas Russell.	Thomas William Jarvis	Charles Allen Young.
85	Ditto	-	-	Frederick Cowper and Thomas Russell.	-	Simon Aaron.
86	Ditto	-	-	Ditto	-	Anton Hermann Iamrach.
87	Ditto	-	-	Ditto	-	Nathaniel Nathan.
88	Ditto	-	-	John C. Barnes	James Inch	James Inch.
89 with Back Premises in Tuarena Court.	Ditto	-	-	Joseph Tuarena	John Goodwin, Michael Nesbit Ireland,	Michael Nesbit Ireland.
90	Ditto	-	-	The Executors of John Gabriel Hesse.	Charles Roberts, Peter Dennet Godart.	Peter Dennet Godart.
91	Ditto	-	-	Miss Rumball and Alfred Jones,	Edward and James Cox	John Francks.

East Smithfield to Rosemary Lane—*continued.*

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
92, with Wheelwright's Yard, Shop, &c.	East Smithfield	Miss Rumball and Alfred Jones.	Edward and James Cox	Edward and James Cox.
93	Ditto	Ditto	Ditto	Alexander Allen.
1, 2, 3, 4, & 5.	Tuerena Court	Joseph Tuerena	John Goodwin	John Goodwin and his weekly Tenants.
15, Soda Water Manufactory, Counting-house, &c. Warehouse and Yard, &c.	Wells Street	Frederick Cowper and Thomas Russell.	Harry Foster Mellin	Harry Foster Mellin.
Two Warehouses, Yard, &c.	Ditto	Ditto	-	John Ashwood Hubbard.
Gateway leading to Back Premises.	Ditto	Ditto	John Laidley	John Laidley.
22	Dock Street	Thomas Webster	John Way and John House, John Dweley.	The St. Katherine's Dock Company and George Hitchcock.
21	Ditto	Ditto	John Way and John House Ditto	Mary Thompson. George Cal.

19	Ditto	-	-	-	Ditto	Anne Dierksen.
18	Ditto	-	-	-	Ditto	Thomas Fernoux.
17	Ditto	-	-	-	Ditto	Augustus William Mouscrop.
16	Ditto	-	-	-	Ditto	John Richards.
15	Ditto	-	-	-	Ditto	Thomas Hewston.
14	Ditto	-	-	-	Ditto	John Troul.
Four Sugar Houses, Warehouses, small Houses, Gateways, &c.	Ditto	-	-	-	-	Unoccupied.
22	Dock Street	-	-	-	Joseph Parkinson	John Barry.
23	Ditto	-	-	-	Ditto	Thomas Macarthy.
69	Rosemary Lane	-	-	-	Ditto and Charles Atkin	Charles Atkin.
70	Ditto	-	-	-	-	William Cotman Coventon.
71	Ditto	-	-	-	-	Priscilla Marks.
72	Ditto	-	-	-	Abraham Cohen	Abraham Cohen.
73	Ditto	-	-	-	Abraham Cohen	James Brooks.
Coal Ware-house, up Court, between 73 & 74	Ditto	-	-	-	William John Bassett	William John Bassett.
74	Ditto	-	-	-	-	Thomas Nuttreas Weal.
1	Dock Street	-	-	-	-	Charles Fernando Lopez.
2	Ditto	-	-	-	-	Eliza Brown.
3	Ditto	-	-	-	-	Elizabeth Bush.
4	Ditto	-	-	-	-	Jane Rosa.
5 & 6	Ditto	-	-	-	-	George Jones.
7	Ditto	-	-	-	-	Unoccupied.
8	Ditto	-	-	-	-	John Wheeler.

C A P. XIII.

An Act to authorize the Advance of a Sum of Money out of the Consolidated Fund on account of the Colony of *South Australia*.
[10th May 1841.]

4 & 5 W. 4. c. 95. **WHEREAS** an Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of King William the Fourth, intituled *An Act to empower His Majesty to erect South Australia into a British Province or Provinces, and to provide for the Colonization and Government thereof*: And whereas another Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of Her Majesty Queen Victoria, intituled *An Act to amend an Act of the Fourth and Fifth Years of His late Majesty, empowering His Majesty to erect South Australia into a British Province or Provinces*: And whereas certain Bills have been drawn and Expences incurred on account of the Colony of *South Australia*, and it is necessary to make immediate Provision for the Payment thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, for the Time being, or any Three or more of them, from Time to Time to advance and lend to the Colonization Commissioners for *South Australia* for the Time being, out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, or out of the growing Produce of the said Fund, free and clear of all Fees and Deductions whatsoever, any Sum or Sums of Money not exceeding One hundred and fifty-five thousand Pounds in the whole, at such Rate of Interest as the said Lord High Treasurer or the said Commissioners of Her Majesty's Treasury shall direct, the same to be applied for the Payment of Bills drawn and Expences incurred on account of the Colony of *South Australia*; and that the Repayment of all Advances so made, with the Interest accruing thereon, shall be secured in such Manner as may be provided by any Act passed for that Purpose in this Session of Parliament.

Commissioners of the Treasury authorized to advance Money to the Colonization Commissioners for South Australia.

C A P. XIV.

An Act to make good certain Contracts which have been or may be entered into by certain Banking and other Partnerships.
[18th May 1841.]

WHEREAS divers Associations and Copartnerships consisting of more than Six Members or Shareholders have from Time to Time been formed, for the Purpose of being engaged in and carrying on the Business of Banking, and divers other Trades and Dealings, for Gain and Profit, and have accordingly for some Time past been and are now engaged in carrying on the same, by means of Boards of Directors or Managers, Committees, or other Officers acting on behalf of all the Members or Shareholders of or Persons otherwise interested in

‘ in such Associations or Copartnerships: And whereas divers
 ‘ Spiritual Persons having or holding Dignities, Prebends, Canon-
 ‘ ries, Benefices, Stipendiary Curacies, or Lectureships have been
 ‘ Members or Shareholders of or otherwise interested in divers
 ‘ of such Associations and Copartnerships: And whereas it is
 ‘ expedient to render legal and valid all Contracts entered into
 ‘ by such Associations or Copartnerships, although the same may
 ‘ now be void by reason of such Spiritual Persons being or having
 ‘ been such Members or Shareholders or otherwise interested as
 ‘ aforesaid;’ be it therefore enacted by the Queen’s most Excellent
 Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parliament
 assembled, and by the Authority of the same, That no such As-
 sociation or Copartnership already formed, or which may be
 hereafter formed, nor any Contract either as between the Members,
 Partners, or Shareholders composing such Association or Copart-
 nership for the Purposes thereof, or as between such Association
 or Copartnership and other Persons, heretofore entered into or
 which shall be entered into by any such Association or Copartner-
 ship already formed or hereafter to be formed, shall be deemed
 or taken to be illegal or void, or to occasion any Forfeiture what-
 soever, by reason only of any such Spiritual Person as aforesaid
 being or having been a Member, Partner, or Shareholder of or
 otherwise interested in the same; but all such Associations and
 Copartnerships shall have the same Validity, and all such Con-
 tracts shall and may be enforced in the same Manner, to all
 Intents and Purposes, as if no such Spiritual Person had been
 or was a Member, Partner, or Shareholder of or interested in
 such Association or Copartnership: Provided always, that it shall
 not be lawful for any Spiritual Person holding any Cathedral
 Preferment, Benefice, Curacy, or Lectureship, or who shall be
 licensed or allowed to perform the Duties of any Ecclesiastical
 Office, to act as a Director or managing Partner, or to carry
 on such Trade or Dealing as aforesaid in Person.

No Association
 or Copartner-
 ship or Contract
 entered into by
 any of them, to
 be illegal or
 void by reason
 only of Spiritual
 Persons being
 Members
 thereof.

No Spiritual
 Person holding
 Preferment, &c.
 to act as a
 Director.

II. And be it enacted, That in all Actions and Suits which shall
 have been brought or instituted by or on behalf of any such
 Association or Copartnership which may have been formed since
 the End of the Session of Parliament held in the Second and
 Third Years of the Reign of Her present Majesty, in case any
 Defendant therein shall, before the Twenty-ninth Day of *March*
 One thousand eight hundred and thirty-eight, by Plea or otherwise,
 have insisted on the Invalidity of any Contract thereby sought to
 be enforced, by reason of any such Spiritual Person as aforesaid
 being or having been a Member or Shareholder in such Association
 or Copartnership, such Defendant shall be entitled to the full
 Costs of such Plea or other Defence, to be paid by the Plaintiff,
 and to be taxed as the Court in which the said Action or Suit shall
 be depending, or any Judge thereof, shall direct; and in order
 fully to indemnify such Defendant it shall be lawful for such
 Court or Judge to order the Plaintiff to pay to him such further
 Costs (if any) of the said Action or Suit as the Justice of the Case
 may require.

In all Actions
 and Suits by
 Copartnerships
 established since
 the Session of
 2 & 3 Vict., the
 Defendant to
 be entitled to
 taxed Costs, and
 the Court to
 make Order for
 further Costs.

III. And be it enacted, That this Act may be amended or re-
 pealed by any Act to be passed in this present Session of Parliament.

Act may be
 amended, &c.

C A P. XV.

An Act for the Erection at *Edinburgh* of a Monument to the late Sir *Walter Scott*. [18th May 1841.]

3 G. 4. c. 91.

1 & 2 Vict. c. 55.

7 & 8 G. 4.
c. lxxvi.

1 & 2 W. 4. c. xlv.

Repealing the
Prohibition to

‘ WHEREAS it is intended to erect a public Monument in the Metropolis of *Scotland*, in order to testify to future Times the Admiration wherewith the Cotemporaries of the late Sir *Walter Scott* of *Abbotsford*, Baronet, regarded his brilliant and fertile Genius, and the many high and amiable moral Qualities which are displayed throughout his Writings: And whereas an Act was passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for regulating the Mode of accounting for the Common Good and Revenues of the Royal Burghs* of *Scotland*: And whereas another Act was passed in the First and Second Years of Her present Majesty, intituled *An Act to regulate and secure the Debt due by the City of Edinburgh to the Public, to confirm an Agreement between the said City and its Creditors, and to effect a Settlement of the Affairs of the said City and Town* of *Leith*; by which Acts the Lord Provost, Magistrates, and Town Council of *Edinburgh* are prohibited from alienating, gratuitously, any Part of the Property belonging to the said City: And whereas an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for carrying into effect certain Improvements within the City of Edinburgh, and adjacent to the same*, by which it was, *inter alia*, provided that it should not be competent to erect Buildings of any Kind upon the Area opposite to *Princes Street* Eastward of the Mound in the City of *Edinburgh*, belonging in Property to the Lord Provost, Magistrates, and Council of the said City, and that the whole of the said Area should be used as an ornamental Area in all Time coming, excepting always a public Theatre or Playhouse: And whereas another Act was passed in the First and Second Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to alter and amend an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty, intituled “An Act for carrying into effect certain Improvements within the City of Edinburgh, and adjacent to the same,”* in which Act the aforesaid Prohibition is recited and re-enacted: And whereas the said Area is deemed to be the most eligible Situation for the said Monument, and it is therefore expedient that the said Restriction, so far as regards such Building, should be repealed, and that the Lord Provost, Magistrates, and Council of the City of *Edinburgh* should be empowered to make a gratuitous Grant of the Ground required for the aforesaid Purpose, in respect of the Nature of the Object to be accomplished, and the Ornament to be thereby afforded to the City: And whereas it is expedient that Authority should be given to the Persons subscribing towards the Expence of erecting the said Monument to construct the same on the said Area; be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Acts as enacts that it should

should not be lawful to erect Buildings of any Kind upon the Area opposite to *Princes Street* Eastward of the Mound in the City of *Edinburgh*, and that the whole of the said Area should be used as an ornamental Area in all Time coming, shall be repealed, and it shall be lawful to erect thereon a Monument to the said Sir *Walter Scott*, which the Persons subscribing to the Expences thereof are hereby authorized to do.

build, &c. and authorizing the Erection of a Monument to Sir W. Scott, on the Area described.

II. And be it enacted, That so much of the said Two last-recited Acts as exempts a Theatre or Playhouse from the Prohibition against erecting Buildings on the said Area in *Princes Street* Eastward of the Mound shall be repealed; and the said Prohibition, and all the Provisions contained in the said Two last-recited Acts against the Erection of other Buildings on the said Area, shall be and the same are hereby ratified and confirmed, so that it shall continue incompetent to the said Lord Provost, Magistrates, and Council of *Edinburgh*, or to any Person or Persons, to erect Buildings of any Kind upon the said Area, or to discharge any Restriction against building thereon, as set forth in the said Acts, excepting always the Buildings specially authorized by this Act.

The Exemption of a Playhouse from the Prohibition against building repealed.

III. And be it enacted, That the Lord Provost, Magistrates, and Town Council of the City of *Edinburgh* are hereby authorized and required to grant and apply, without Price or Consideration, so much of the said Area opposite to the End of *Saint David Street*, together with the necessary Access to the same, as shall be required by the Persons subscribing as aforesaid, as a Site for the said Monument, and for a House in connexion therewith to be occupied by the Keeper thereof: Provided always, that the Space so to be granted for the Site of the said Monument shall not exceed One hundred and twenty Feet Square, and Fifty Feet by Thirty for the Keeper's House, and that such House shall not exceed in Height a Line Six Feet below the Level of the Roadway of *Princes Street*, and that the Plan and Position of the said House shall be approved of by the said Lord Provost, Magistrates, and Council of the City of *Edinburgh* before the same is begun to be erected: Provided also, that Compensation shall be made for any Damage that may be occasioned to the Occupier of the said Area; and in case of any Difference as to the Amount thereof, the same shall be ascertained and fixed by the Sheriff of the County of *Edinburgh*, whose Determination shall be final, and not subject to Review.

Magistrates of Edinburgh authorized to grant the Ground gratuitously.

IV. And be it enacted, That as soon as the said Buildings shall be declared by the Subscribers to be completed, which shall be done by Intimation in Writing by the Clerk or Secretary of the said Subscribers, or other Person duly authorized by them, to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, the said Buildings, and the Area whereon the same are erected, shall be and the same are hereby, in virtue of this Act, and without any further Conveyance, vested in the following Persons; *videlicet*, the said Lord Provost, the Treasurer of the City of *Edinburgh*, the Dean of Guild of *Edinburgh*, the Lord Justice General, the Lord Clerk Register, or, in his Absence, the Senior Clerk of Session, and the Dean of the Faculty of Advocates, all for the Time being, together with the nearest surviving Male Relation for the Time being of the said Sir *Walter Scott*, as Trustees for the Care and Preservation of the said Monument.

Monument, when completed, vested in Trustees.

C A P. XVI.

An Act to enable the Commissioners of Wide Streets to sell, and Her Majesty to purchase, certain Hereditaments in the City of *Dublin* on the North Bank of the River *Anna Liffey*. [18th May 1841.]

10 G. 4. c. 50.

‘ WHEREAS by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty’s Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, it was enacted, that it should be lawful for the Commissioners for the Time being of His Majesty’s Woods, Forests, and Land Revenues from Time to Time to contract for and purchase, for and on behalf of His Majesty, His Heirs or Successors, any Manors, Lordships, Messuages, Lands, Tenements, or Hereditaments in Fee Simple, which should in their Judgment be desirable to be purchased for and on behalf of His Majesty, His Heirs or Successors; and all such Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments so purchased should be conveyed to His Majesty, His Heirs and Successors; and all Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments which should be so purchased should, on the Completion of the respective Purchases thereof, become Part of the Possessions and Land Revenues of His Majesty, His Heirs and Successors, in right of the Crown, and subject to the same Powers and Authorities in every respect, including the Powers and Provisions in the said Act contained, as the other Possessions and Land Revenues of the Crown to which the now-reciting Act related: And

2 & 3 W. 4. c. 1.

‘ whereas by an Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for uniting the Office of the Surveyor General of His Majesty’s Works and Public Buildings with the Office of the Commissioners of His Majesty’s Woods, Forests, and Land Revenues, and for other Purposes relating to the Land Revenues*, it was enacted, that the Persons to be appointed as therein mentioned, and their Successors, should be called “The Commissioners of His Majesty’s Woods, Forests, Land Revenues, Works, and Buildings,” and that all Acts of Parliament in which the Commissioners of His Majesty’s Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty’s Works and Public Buildings, were named or mentioned, should apply to the Commissioners for the Time being of His Majesty’s Woods, Forests, Land Revenues, Works, and Buildings, so to be appointed as therein mentioned, as if such last-mentioned Commissioners had been originally named in such Acts of Parliament instead of the Commissioners of His Majesty’s Woods, Forests, and Land Revenues, and the Surveyor General of His Majesty’s Works and Public Buildings: And whereas by an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to enable the Commissioners of Wide Streets to widen and improve certain Ways, Streets, and Passages in and about*

11 G. 4 & 1 W. 4.
c. cxviii.

‘ *about the City and County of Dublin ; and to amend and extend the Provisions of Two Acts passed in the Forty-seventh and Fifty-seventh Years of the Reign of His late Majesty, for improving and rendering more commodious such Parts of the County and County of the City of Dublin as are situate on the South Side of the River Anna Liffey and West of His Majesty’s Castle of Dublin*, after reciting, amongst other things, certain Acts of Parliament, whereby certain Commissioners therein named were authorized to improve and render more commodious certain Parts of the County and City of *Dublin*, and for that Purpose to purchase certain Lands, Buildings, and Hereditaments ; and also reciting that several Ways, Streets, and Passages in and about the City and County of the City of *Dublin* had been widened and rendered more commodious, and that several other Improvements had been made by the Commissioners for making wide and convenient Streets in and about the City and County of the City of *Dublin*, in pursuance of the Powers vested in them by the said several therein-recited Acts as therein is mentioned ; and that it would tend much to the Convenience and Safety of the Inhabitants of the said City and otherwise, as in the said Act is mentioned, if the Ways and Passages therein mentioned or referred to were widened and improved, it was by the said Act now in recital (amongst other things) enacted, that the several Acts recited in the said Act now in recital, and all and every the Clauses, Powers, Provisions, Penalties, Forfeitures, Matters, and Things therein contained (save and except such Part or Parts thereof as might be varied, altered, or repealed, or as were by the Act now in recital varied, altered, or repealed), should be as good, valid, and effectual for carrying the now-reciting Act into execution to all Intents and Purposes whatsoever as if the same had been repeated and re-enacted in the Body of the Act now in recital, and that the same, and all and every such Clauses, Powers, Provisions, Penalties, Forfeitures, Matters, and Things, should and might extend and be construed to extend (amongst other Improvements and Things) to complete the Opening of the Quay on the North Side of the River *Anna Liffey* between *West Liffey Street* and *George the Fourth’s Bridge* in front of the *Royal Barracks*, as particularly described or delineated in certain Maps or Plans mentioned or referred to in the now-reciting Act, and in the Schedule annexed to the same Act, in such and the like Manner as if the same had been included in the said Acts or any of them, and had been delineated and laid down on the Map or Plan in the said Acts or any of them particularly mentioned or referred to ; and it was further enacted, that all the Powers and Authorities given to or vested in the said Commissioners of Wide Streets or their Successors, or any Three or more of them, for the Purpose of carrying the said several therein-recited Acts or any of them into execution, should be and the same were thereby declared to be given to and vested in the said Commissioners and their Successors, or any Three or more of them, for carrying the now-reciting Act into execution ; and that the said Commissioners and their Successors, or any Three or more of them, should have and enjoy the like Rights, Privileges, and Immunities,

'nities, and should be subject and liable to the like Rules, Regulations, and Restrictions, for the Purpose of carrying the now-recited Act into execution, as the said Commissioners and their Successors, or any Three or more of them, had and enjoyed and were subject and liable to for the Purpose of carrying the said therein-recited Acts or any of them into execution, except only so far as the same or any of them were altered or affected by the Act now in recital: And whereas, in pursuance of the Powers in the said last-recited Act contained, the said Commissioners of Wide Streets, out of the Funds appropriated or available for the Purposes of the said Act, did purchase the Inheritance in Fee Simple of a Plot of Ground extending from *West Liffey Street* along the North Bank of the River *Anna Liffey*, and lying between the said River and the *Royal Barracks*, to *King George the Fourth's Bridge*, on which were formerly standing certain Houses and Buildings forming the Streets called *Park Gate Street*, *Barrack Street*, *Windmill Court*, *West Liffey Street*, and *Flood Street* respectively: And whereas all the said Houses and Buildings, with the Exception of Eleven Dwelling Houses which are specified in the Second Division of the Schedule to this Act annexed, have been taken down and entirely removed, and the Space on which the same formerly stood is now vacant: And whereas the said Plot of Ground is particularly described in the First Division of the Schedule to this Act annexed: And whereas the said Eleven Dwelling Houses with the Appurtenances, are subject to the Residue of a Term of Years of which Twenty-seven Years or thereabouts are now unexpired, at a yearly Rent of Sixty-eight Pounds, and the Interests of the Parties entitled thereto under the said Lease have not been purchased or taken by the said Commissioners of Wide Streets: And whereas, as the Commissioners of Wide Streets are, under the Powers vested in them, directed to apply all Ground to be purchased by them for effecting the Improvements they are authorized to make as and for Building Ground and other specific Purposes, it is expedient, with a view to the Improvement of the Property of the Crown in the Vicinity of the Ground so purchased as aforesaid by the Commissioners of Wide Streets, and to the general Improvement of the said City of *Dublin*, that the said Ground should be purchased and form Part of the Land Revenues of the Crown as after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Wide Streets, mentioned in the said Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, to sell unto Her Majesty, Her Heirs and Successors, and for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with the Consent of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three of them, to purchase on the Behalf of Her Majesty, Her Heirs and Successors, (at a Price to be fixed by a Valuation to be made in manner hereinafter directed,) the

Fee

Commissioners of Wide Streets empowered to sell, and Commissioners of Woods authorized to purchase, the Ground and Premises comprised in the Schedule to this Act.

Fee Simple and Inheritance of all that Piece of Ground hereinbefore mentioned, and more particularly described in the First Division of the Schedule to this Act annexed, and the Eleven Dwelling Houses, with the Appurtenances, described in the Second Division of the said Schedule, subject nevertheless, as to the said Eleven Dwelling Houses, with the Appurtenances, and the Site on which the same now stand, to such Term of Years or other Interest as is now outstanding therein.

II. And be it enacted, That the said Hereditaments, when purchased, shall be conveyed to Her Majesty, Her Heirs and Successors, as Part of the Possessions and Land Revenues of Her Majesty, Her Heirs and Successors, in right of the Crown, in all respects as if the same had been purchased under the Powers contained in the said Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth; and such Conveyance shall be made and executed by the said Commissioners of Wide Streets, or any Three of them, and shall be enrolled in like Manner as is provided with respect to Hereditaments to be purchased in pursuance of the Powers in the said Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth contained; and the Receipts of any Three of the said Commissioners of Wide Streets shall be good and sufficient Discharges for the Monies to be paid for the Purchase of the said Hereditaments.

Premises when purchased to be conveyed to Her Majesty, and to form Part of the Land Revenue of the Crown.

III. And be it enacted, That the Price to be paid for such Ground and Hereditaments so to be sold by the said Commissioners of Wide Streets as aforesaid shall be ascertained by Two Surveyors, one of whom shall be nominated by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the other by the said Commissioners of Wide Streets, or any Three of them; and if such Two Surveyors shall not agree in the Price to be paid, then by such Third Surveyor as the Two so appointed shall nominate; and such Third Surveyor shall be nominated in Writing by the Two so nominated, before they proceed to the Valuation.

Amount of Purchase Money to be settled by Two Surveyors or their Umpire.

IV. And be it enacted, That for enabling the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to effect such Purchase as aforesaid, and to defray all Expences relating thereto, and also for the purchasing the Leasehold Interests of any Parties for the Time being entitled to the said Eleven Houses and Buildings as aforesaid, it shall be lawful for the said Commissioners of Her Majesty's Treasury to raise any Sum, not exceeding the Sum of Forty-three thousand Pounds, by Sale of a competent Part of the Sum of Eighty-three thousand eight hundred and fifty-one Pounds Nineteen Shillings and Fourpence Bank Three and a Half *per Centum* Annuities in *Ireland*, now standing in the Names of the Commissioners of Her Majesty's Treasury, and which was purchased with Monies which arose from the Sale of certain of the Crown Land Revenues in *Ireland*.

Treasury to raise Purchase Monies, &c. by Sale of a Portion of the Sum standing in their Names in the 3½ per Cent. Bank Annuities in *Ireland*.

V. And be it enacted, That all Payments to be made by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in pursuance of this Act, shall be made by Drafts on the Bank of *Ireland*, in such Manner and Form in all respects as Payments made by them in the Execution of the

Payments to be made by the Commissioners of Woods, &c. by Drafts on the Bank of *Ireland*.

Powers in them vested by the said Act of the Tenth Year of the Reign of His said late Majesty King *George* the Fourth are thereby authorized to be made.

Powers and
Provisions of
10 G. 4. c. 50.
extended to this
Act.

VI. And be it enacted, That all the Powers and Provisions contained in the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth shall, so far as the same are applicable or can be applied, extend and be construed to extend to this present Act, as fully, amply, and effectually, to all Intents and Purposes whatsoever, as if the same Powers and Provisions were particularly repeated and re-enacted in this present Act.

Public Act.

VII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE to which this Act refers.

FIRST DIVISION.

All that Piece or Parcel of Ground situate, lying, and being in the City of Dublin, on the North Side of the River Anna Liffey, between West Liffey Street and George the Fourth's Bridge, in front of the Royal Barracks, abutting towards the North on Barrack Street, towards the South on the River Anna Liffey, towards the East on West Liffey Street, and towards the West on George the Fourth's Bridge and the Northern Approach thereto.

SECOND DIVISION.

Description of Premises.	Where situate.
A Dwelling House - -	N ^o 52, on the South Side of Barrack Street.
Ditto - - -	N ^o 53, Ditto.
Ditto - - -	N ^o 54, Ditto.
Ditto - - -	N ^o 55, Ditto.
Ditto - - -	N ^o 56, Ditto.
Ditto - - -	N ^o 57, Ditto.
Ditto - - -	N ^o 58, Ditto.
Ditto - - -	N ^o 59, Ditto.
Ditto - - -	N ^o 60, Ditto.
Ditto - - -	N ^o 61, Ditto.
Ditto - - -	N ^o 62, Ditto (being the Corner House of Barrack Street and West Liffey Street).

C A P. XVII.

An Act to abolish Arrest in personal Actions commenced by Process of Subpœna at the Law Side of the Court of Exchequer in *Ireland*. [18th May 1841.]

WHEREAS, notwithstanding the Provisions of an Act passed in the last Session of Parliament, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedy of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice, in Ireland*, Doubts are entertained whether Process of Contempt may not still be executed by Arrest of a Defendant served with a Subpœna issued out of the Pleas or Common Law Side of the Court of Exchequer in *Ireland*, without any Order being made under the said Act for holding such Defendant to Bail; and it is expedient to remove such Doubts, and assimilate the Practice in Actions commenced by such Subpœna to that directed by the said Act with respect to other Actions: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act no Person shall be arrested under or by virtue of any Process of Contempt already issued or hereafter to be issued against any Defendant or Defendants served with such Subpœna for not appearing thereto, but a Special Order may be made for holding the Defendant or Defendants to Bail in any Action commenced by such Subpœna, in manner provided by the said Act, and under the Authority thereof, in relation to Writs of Capias; and in every such Case such Subpœna shall have marked at the Foot thereof, or endorsed thereon, the Sum for which such Defendant or Defendants shall be ordered to be held to Bail; and the said Subpœna shall have subscribed at the Foot thereof the Memorandum and Warning, and shall have endorsed thereon the several Endorsements, in the Form in the Schedule (A.) to the said Act annexed, and shall bear Date on the Day on which the same shall be issued, and be returnable into the said Court according to the Practice of the said Court.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

3&4 Vict. c. 105.

Arrest on Common Law Subpœna in Ireland abolished; but, a Special Order to hold to Bail on such Subpœna may be made in certain Cases.

Act may be amended, &c.

C A P. XVIII.

An Act to make further Provision for facilitating and completing the Distribution and Payment of Compensation for Slaves upon the Abolition of Slavery. [18th May 1841.]

WHEREAS by an Act passed in the Fourth Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves*, the Sum of Twenty Millions Pounds Sterling was granted for compensating the Persons at that Time entitled

3&4 W. 4. c. 73.

‘ entitled to the Services of the Slaves to be manumitted and set free, and in pursuance of the said Act certain Commissioners were appointed, by Letters Patent under the Great Seal of the United Kingdom bearing Date the Seventh Day of *October* in the Fourth Year of the Reign of His late Majesty, for the Distribution of the said Compensation Fund, and the Apportionment thereof amongst the several Persons who might prefer Claims thereon: And whereas the said Commissioners having completed the said Apportionment and Distribution, with the Exceptions herein-after stated, and due Notice having been given, in the several Colonies to which the said Act for the Abolition of Slavery extended, that the Proceedings of the said Commissioners would terminate on the Thirty-first Day of *December* last, and it is expedient that the Powers vested in the said Commissioners should terminate and be no further exercised;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Powers and Authorities vested in the said Commissioners by the said Act, or by any other Act or Acts relating to the said Compensation to Persons entitled to the Services of the Slaves thereby manumitted and set free, shall wholly and absolutely cease and determine so far as regards any further or future Exercise thereof by the said Commissioners.

Powers of the late Commission determined.

The Treasury empowered to appoint Arbitrators to consider outstanding Claims for Compensation, and certify thereon.

II. ‘ And whereas in further pursuance of the said Act Assistant Commissioners were appointed in the Colonies to act in aid and under the Direction of the Commissioners before mentioned: And whereas the said Commissioners had not been enabled to complete the Awards on certain uncontested Claims for Compensation for Slaves, by reason of the necessary Documents and Evidence relating thereto not having been submitted to them previously to the Termination of their Proceedings as above mentioned: And whereas the said Commissioners were also authorized and empowered by the said Act to inquire into and adjudicate upon Claims that might be preferred before them by Persons having or claiming to have any Right, Title, or Interest in or to any Mortgage, Judgment, Charge, Incumbrance, or other Lien upon any Slave or Slaves to be manumitted under the said Act, or upon the Compensation for the Services of such Slave or Slaves, and to make Adjudications and Awards upon any such litigated Claims, in such Manner and Form as should be prescribed by certain general Rules to be drawn up and framed, and confirmed and rendered valid in the Manner provided for by the said Act: And whereas an Act was passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to carry into further Execution the Provisions of an Act passed in the Third and Fourth Years of the Reign of His present Majesty, for compensating Owners of Slaves upon the Abolition of Slavery*: And whereas another Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for carrying into further Execution Two Acts of His present Majesty relating to the Compensation for Slaves upon the Abolition of Slavery, and for* facilitating

5 & 6 W. 4. c. 45.

6 & 7 W. 4. c. 5.

facilitating the Distribution and Payment of such Compensation :
 ' And whereas another Act was likewise passed in the Sixth and
 ' Seventh Years of the Reign of His late Majesty King William
 ' the Fourth, intituled *An Act to carry into further Execution an* 6 & 7 W. 4. c. 82.
 ' *Act for compensating Owners of Slaves upon the Abolition of*
 ' *Slavery, and for completing the full Payment of such Compensation :* And whereas, in pursuance of the Provisions of the recited
 ' Acts of the Fifth and Sixth and Sixth and Seventh Years aforesaid
 ' respectively various Sums awarded by the said Commissioners
 ' under the said recited Act of the Third and Fourth Years afore-
 ' said, which were subject to Claim preferred before the Commis-
 ' sioners as aforesaid or to Litigation in the Courts of the several
 ' Colonies, have been paid over to the Accountant General of
 ' the Court of Chancery, and have been invested by him in the
 ' Three Pounds *per Centum* Consolidated Bank Annuities, or have
 ' been transferred to the Name of the said Accountant General
 ' in equivalent Amounts of Three Pounds Ten Shillings *per Centum*
 ' Reduced Annuities : And whereas certain of the said Claims
 ' preferred before the said Commissioners were pending and unad-
 ' judicated upon at the Period of the Termination of their Pro-
 ' ceedings as aforesaid, and certain Amounts of the said Three
 ' Pounds *per Centum* Consolidated Bank Annuities, or of the said
 ' Three Pounds Ten Shillings *per Centum* Reduced Annuities,
 ' arising from the Investments or Transfers as aforesaid in respect
 ' of the said Claims, and from the Dividends that have accrued
 ' thereon, are still standing in the Name of the said Accountant
 ' General in the Books of the Bank of *England* : And whereas it
 ' is expedient that Provision should be made for the Completion
 ' and Issue of the said Awards of Compensation for Slaves, and
 ' likewise for adjudicating and deciding upon the Claims to Right,
 ' Title, or Interest to or in the Compensation for any manumitted
 ' Slave or Slaves pending and unadjudicated upon as aforesaid,
 ' or which may hereafter arise or be preferred ; be it therefore
 ' enacted, That the Commissioners of Her Majesty's Treasury of
 ' the United Kingdom of *Great Britain and Ireland*, or any Three
 ' or more of them, may, by Warrant under their Hands, appoint
 ' One or more Arbitrator or Arbitrators to consider such Reports,
 ' Documents, or Evidence relating to the unsettled Awards of
 ' Compensation for Slaves as have been or may be received from the
 ' aforesaid Assistant Commissioners in the Colonies, or as may be
 ' otherwise preferred relating thereto, and to certify to the said
 ' Commissioners of Her Majesty's Treasury the Amount of Com-
 ' pensation due in each Case ; and likewise to consider any such
 ' Claim or Claims of Persons claiming to have Right, Title, Interest,
 ' or Lien to, in, or upon the Compensation for the Services of any
 ' Slave or Slaves which may have remained pending or unadjudi-
 ' cated upon at the Termination of the Proceedings of the said
 ' Commissioners as aforesaid, or which may hereafter be referred to
 ' him or them by the said Commissioners of Her Majesty's
 ' Treasury, and to certify to the said Accountant General of the
 ' Court of Chancery the Name or Names of the Party or Parties
 ' who may appear to be entitled to such Compensation, or to the
 ' Interest and Dividends that have accumulated thereon, or to any
 ' Portion or Portions thereof, in like Manner as the Commissioners
 ' under

under the first-recited Act of the Third and Fourth Years aforesaid have heretofore done.

Upon Receipt of Certificate, the Treasury may authorize the National Debt Commissioners and Accountant General in Chancery to make Payments, &c.

III. And be it enacted, That the said Commissioners of Her Majesty's Treasury may, upon the Receipt of such Certificate of the said Arbitrator or Arbitrators as aforesaid, relating to such uncontested Compensation to Proprietors of Slaves as aforesaid, issue their Warrant or Warrants to the Commissioners for the Reduction of the National Debt, authorizing and directing them to pay, discharge, and satisfy the Sums awarded and assigned by the said Arbitrators, with the Interest that may have accrued thereon, in the same Manner as if the said Awards had been made and certified by the Commissioners under the first-recited Act of the Third and Fourth Years referred to; and the Accountant General of the Court of Chancery may, upon the Receipt of such Certificate of Adjudication and Award of the said Arbitrator or Arbitrators in respect of such litigated Claims as aforesaid, transfer or pay over all such Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, or in the Three Pounds Ten Shillings *per Centum* Reduced Annuities, as may be standing in his Name in the Books of the Bank of *England* on account or to the Credit of the Claim or Claims to which such Adjudication and Award may relate, or the Proceeds of the Sale thereof, in like Manner as if such Adjudication and Award had been made and certified by the Commissioners under the first-recited Act of the Third and Fourth Years aforesaid.

Power for Lords of the Treasury to award or adjudicate without appointing an Arbitrator.

IV. Provided always, and be it enacted, That the Commissioners of Her Majesty's Treasury, or any Three or more of them, in case they shall see fit, may, upon the Receipt of such Reports, Documents, or Evidence relating to unsettled Awards of Compensation to Proprietors of Slaves as aforesaid, determine, award, and assign the Amount of the Compensation due to the respective Claimants, and likewise make final Adjudications or Awards upon any such Claim or Claims as aforesaid to Right, Title, or Interest to or in the Compensation for the Services of any Slave or Slaves, without referring the same to any such Arbitrator or Arbitrators, and may thereupon issue their Warrant or Warrants to the said Commissioners for the Reduction of the National Debt, to pay the Sums awarded and assigned, or certify to the said Accountant General of the Court of Chancery their Adjudications or Awards relating to any Stock standing in his Name in the Books of the Bank of *England* on account and to the Credit of any such Claim or Claims as aforesaid; and the said Accountant General of the Court of Chancery shall thereupon transfer or pay over the said Stock or the Proceeds thereof, in conformity with the said Adjudication and Award, in like Manner as if the same had been made and certified by the said Commissioners under the first-recited Act of the Third and Fourth Years aforesaid, or by the Arbitrator or Arbitrators herein-before mentioned.

Rules of the late Commissioners to be observed.

V. Provided always, and be it enacted, That the said Arbitrator or Arbitrators and the said Commissioners of Her Majesty's Treasury, in all Acts, Matters, and Proceedings relating to the said Awards of Compensation, or the said Adjudication on litigated Claims thereto, shall respectively observe and conform to the general Rules aforesaid; and the said Awards and Adjudications

of the said Commissioners of Her Majesty's Treasury, or of the said Arbitrator or Arbitrators, shall have like Force, Effect, and Validity, and shall be subject to all the like Provisions, Rules, and Regulations, as regards Appeal to Her Majesty in Council or otherwise, as if they had been made and certified by the said Commissioners under the first-recited Act of the Third and Fourth Years of the Reign of His late Majesty: Provided also, that the said Commissioners of Her Majesty's Treasury, or any Three or more of them, or the said Arbitrator or Arbitrators so to be appointed as aforesaid, may exercise the like Powers and Authority, and do, order, and direct all Acts, Matters, and Things regarding such Compensation as aforesaid, so far as may be necessary for the Purposes of this present Act, as fully and effectually as the same could have been exercised or done by the said Commissioners before the passing of this Act.

Awards of the Treasury to be valid, and subject to Appeal.

VI. ' And whereas the said Commissioners, under the said recited Act of the Third and Fourth Years of the Reign of His late Majesty, did set apart and reserve, out of the Amount of the Compensation apportioned for each of the several Colonies specified in the said Act, certain Sums, amounting in all to Fifty-one thousand seven hundred and sixty-five Pounds, to meet any Claims for Compensation that might incidentally arise or be preferred in respect of Slaves who had not been enumerated in the Returns upon which the said Apportionment was made: And whereas some Portion of the Sums so reserved may not be claimed or required for the said Purpose, and it is expedient that any such Surplus should be disposed of in such Manner as may be beneficial to the Parties in the respective Colonies for whose Compensation and Benefit the said Sum of Twenty Millions Pounds was granted; be it therefore enacted, That, after the Completion of the Awards on Claims for Compensation now outstanding, the Commissioners of Her Majesty's Treasury may, with the Consent and Approval of Her Majesty's Secretary of State having Charge of the Affairs of the Colonies, authorize the Issue and Application, in aid of the Funds of any Charitable Institution or of Establishments for Education maintained at the Public Charge within any Colony, of the Amount of any such Surplus of the Sum reserved out of the Compensation apportioned for such Colony as may remain unappropriated as above mentioned, and by Warrant under the Hands of any Three or more of them direct the Payment, by the Commissioners for the Reduction of the National Debt, of the Sum or Sums so to be issued and applied, to such Person or Persons as they may see fit to appoint; and the Commissioners of the National Debt, upon the Receipt of such Warrant, may pay and discharge the Amount thereof, either out of Monies standing to the Credit of their *West India* Compensation Account at the Bank of *England*, or by the Sale or Transfer of any Portion of the Three Pounds Ten Shillings *per Centum* Reduced Annuities, created in pursuance of the before-recited Acts of the Fifth and Sixth and Sixth and Seventh Years of the Reign of His late Majesty, in the same Manner as they are empowered to pay and discharge the Awards of Compensation for the Services of Slaves.

Surplus of Reserved Fund, how to be disposed of.

VII. ' And

Further Allowances to Claimants for Interest or Dividends to cease.

VII. ' And whereas it is expedient that Provision should be made for the final Settlement and Determination, within a given Period, of all Claims to Compensation for the Services of Slaves; be it therefore enacted, That from and after the Fifth Day of *April* last past all further Allowance of Interest or Dividends to the Claimants for any Compensation that may have remained unawarded by the said Commissioners, or unissued by the Commissioners for the Reduction of the National Debt, or for and upon any Three Pounds Ten Shillings *per Centum* Reduced Annuities to be paid and transferred in satisfaction thereof, shall cease and be discontinued; and also, that from and after the passing of this Act all further Additions or Augmentations from Dividends or Interest to any Sums in the Three Pounds *per Centum* Consolidated Bank Annuities or Three Pounds Ten Shillings *per Centum* Reduced Annuities, standing in the Name of the Accountant General of the Court of Chancery in the Books of the Governor and Company of the Bank of *England*, on account of Compensation which has been the Subject of Litigation before the said Commissioners or in the Colonial Courts, shall likewise cease and be discontinued.

Treasury may apply Interest or Dividends to defray Expences.

VIII. Provided always, and be it enacted, That the Commissioners of Her Majesty's Treasury, or any Three or more of them, may apply, or cause to be applied, any Interest or Dividends that may have accrued, or shall hereafter accrue, on the said Sum of Twenty Millions granted for Compensation to Proprietors of Slaves, or on any Part thereof, or on the Three Pounds Ten Shillings *per Centum* Reduced Annuities, or Three Pounds *per Centum* Consolidated Annuities, created or purchased in respect thereof, and which shall remain unissued to the Claimants for the said Compensation, for the Payment of Expences relating to the Apportionment and Distribution thereof, and for that Purpose, by Warrant under their Hands, may order and direct the said Commissioners for the Reduction of the National Debt, or the said Accountant General of the Court of Chancery, to retain and set apart out of any such Interest or Dividends such Sum or Sums as they may deem necessary, in addition to the Sum which was retained and set apart in pursuance of the Provisions of the Act of the Fifth and Sixth Years of the Reign of His late Majesty before recited; and the Sum or Sums so retained or set apart shall be paid and transferred by the said Commissioners for the Reduction of the National Debt, or by the said Accountant General of the Court of Chancery, in such Manner and to such Party or Parties as the said Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct.

Money remaining to be repaid to the Consolidated Fund; Stock to be cancelled.

IX. And be it enacted, That from and after the Thirty-first Day of *December* One thousand eight hundred and forty-two all such Principal Sums of Money as shall then be and remain to the Credit of the Account of the Commissioners for the Reduction of the National Debt at the Bank of *England* under the Title of the "*West India Compensation Account*," pursuant to the Provisions of the said before-recited Act, and all such Principal Sums of Three Pounds Ten Shillings *per Centum* Reduced Annuities written in and placed to the Credit of the Commissioners for the Reduction of the National Debt in the Books of the Bank of *England*

England under the Title of "The Compensation Account of the Colony of *Barbadoes*," pursuant to the Provisions of the said recited Act of the Fifth and Sixth Years of His late Majesty, as shall then remain to the Credit of the said Commissioners, and likewise all such Principal Sums of Three Pounds Ten Shillings *per Centum* Reduced Annuities written in and placed to the Credit of the said Commissioners for the Reduction of the National Debt in the Books of the said Bank of *England* under the Title of "The Slave Compensation Account," pursuant to the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty, as shall then remain to the Credit of the said Commissioners, together with all Interest or Dividends that may have become due or payable in respect of the said Principal Sums of Money or Stock, and which shall not have been issued or applied as herein-before provided for, shall revert to the Public; and from and after the said Thirty-first Day of *December* One thousand eight hundred and forty-two the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the Time being, may, by Warrant under their Hands, order and direct the said Commissioners for the Reduction of the National Debt to pay and transfer any Sum or Sums remaining to the Credit of the *West India* Compensation Account into the Receipt of Her Majesty's Exchequer, to be carried to and form Part of the Income of the Consolidated Fund, and may likewise order and direct the Governor and Company of the Bank of *England* and the said Commissioners for the Reduction of the National Debt respectively to cancel all such Principal Sums of Three Pounds Ten Shillings *per Centum* Reduced Annuities as aforesaid, and to pay into the Receipt of Her Majesty's Exchequer the Dividends that shall have accrued thereon (so far as the same shall not have been issued and applied as aforesaid), in the Manner provided for by the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty with respect to such Portions of the said Annuities as might be left standing in the Names of the said Commissioners for the Reduction of the National Debt after satisfying the several Claims for Slave Compensation in the Colonies.

X. And be it enacted, That from and after the Thirty-first Day of *December* One thousand eight hundred and forty-five all such Principal Sums of Three Pounds *per Centum* Consolidated Bank Annuities or Three Pounds Ten Shillings *per Centum* Reduced Annuities, invested by or transferred to the Accountant General of the Court of Chancery, in pursuance of the Provisions of the said recited Acts of the Fifth and Sixth and Sixth and Seventh Years of the Reign of His late Majesty, with the Accumulations that have accrued from the Investment of Dividends thereon, as shall thus be and remain in the Name and to the Credit of the said Accountant General on his several Accounts in the Books of the Bank of *England*, as provided for by the said Acts, and which shall not be the Subject of Claims or Proceedings still pending before the Courts of Judicature in the Colonies, or before any Court or Courts of Judicature or of Appeal in the United Kingdom, shall in like Manner revert to the Public, together with such Interest or Dividends thereon as may not have been issued

Transfer to the
Public of all
Stocks, &c.
remaining un-
appropriated.

or applied as herein-before provided; and from and after the said Thirty-first Day of *December* One thousand eight hundred and forty-five the Commissioners of Her Majesty's Treasury, or any Three or more of them, may, by Warrant under their Hands, direct and require the said Accountant General of the Court of Chancery to transfer to the Commissioners for the Reduction of the National Debt in the Books of the said Bank of *England* all such Principal Sums of Three Pounds *per Centum* Consolidated Annuities and Three Pounds Ten Shillings *per Centum* Reduced Annuities as shall then be and remain in the Name and to the Credit of the said Accountant General on his several Accounts in the Books of the said Bank, under the Provisions of the said recited Acts of the Fifth and Sixth and Sixth and Seventh Years of the Reign of His late Majesty, and as shall not be the Subject of Claims and Proceedings pending as aforesaid; and thereupon the Commissioners of Her Majesty's Treasury, or any Three or more of them, may order and direct the Governor and Company of the Bank of *England* and the said Commissioners for the Reduction of the National Debt respectively to cancel all such Principal Sums of Three Pounds *per Centum* Consolidated Annuities and of Three Pounds Ten Shillings *per Centum* Reduced Annuities, and to pay into the Receipt of Her Majesty's Exchequer any Dividends accrued thereon, which shall not have been invested or otherwise issued or applied by the said Accountant General previously to such Transfer as above mentioned, in the same Manner as is provided for in the said recited Act of the Sixth and Seventh Years of the Reign of His late Majesty with respect to the Portion of the said Three Pounds Ten Shillings *per Centum* Reduced Annuities therein referred to.

Act may be
amended, &c.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

C A P. XIX.

An Act for raising the Sum of Eleven Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-one. [18th May 1841.]

C A P. XX.

An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise.

[18th May 1841.]

7 & 8 G. 4. c. 53. **W**HEREAS an Act was passed in the Eighth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland*: And whereas an Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise*: And whereas the said Acts require to be altered and amended; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners of Excise shall not be compellable to appoint any Office of Excise to be held and kept in any Town for or by reason of a weekly or other Market having been established in such Town, by Authority of Parliament or otherwise, since the passing of the said recited Act of the Eighth Year of the Reign of His said Majesty King *George* the Fourth; and no Town shall be deemed or taken to be a Market Town, at which Duties of Excise are to be received, or out of or beyond which Persons are not to be compelled to travel for Payment of such Duties, other than such as were Market Towns at the Time of the passing of the said recited Act: Provided always, that it shall be lawful for the Commissioners of Excise to appoint an Excise Office to be held and kept, and Duties of Excise to be collected and received, in any other Town or Place as well within the Limits of the Chief Office of Excise as elsewhere, if they shall see fit.

None but such as were Market Towns at the Time of passing of 7 & 8 G. 4. c. 53. to be Market Towns within that Act.

Proviso.

II. And be it enacted, That any Survey, Inspection, Charge, Return, or Demand directed by any Act or Acts relating to the Revenue of Excise to be made, or any Act or Matter so directed or required to be done by any Surveyor or General Surveyor of Excise within the Limits of the Chief Office of Excise, may be made or done by any Collector or Supervisor of Excise within the said Limits; and every Collector, Supervisor, and other Officer appointed within the said Limits shall have and exercise (subject to the Orders and Directions of the Commissioners of Excise) all the same Powers and Authorities in charging, collecting, receiving, paying, and securing the Revenue of Excise within the said Limits as are given to and are exercised by any Collector, Supervisor, or Officer of Excise elsewhere.

Acts required to be done by Surveyors, &c. within Limits of Chief Office of Excise may be done by Collectors or Supervisors.

III. 'And whereas by the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth, the Commissioners of Excise are authorized and required to appoint Collectors and other Officers, and Accomptants, Clerks, and Assistants for collecting, receiving, managing, and accounting for the Revenue of Excise, taking, in the Name of His Majesty, from them and every of them, sufficient Security for the due Performance of the respective Duties committed to their Charge;' be it enacted, That the Commissioners of Excise shall not be required or obliged to take (if they shall see fit not to call for the same) any Bond or other Security for the due or faithful Discharge of his Duty from any Officer, Accomptant, Clerk, or Assistant appointed by them, who shall not, by virtue of his Office, be authorized or empowered to collect or receive any Duty or Duties of Excise, or to take or have in his Custody or Possession, or pay, any Money or Monies arising out of the said Duties, or belonging to Her Majesty, any thing in the said recited Act to the contrary notwithstanding.

Bonds not to be required from Officers who do not collect or receive Money.

IV. 'And whereas Doubts have been raised whether the Keeper of an Excise Office is an Officer of Excise within the Meaning of the said recited Acts,' be it declared and enacted, That no Person appointed by the Commissioners of Excise, under the Powers and Authorities of the said recited Act of the Eighth Year of the Reign of His said Majesty King *George* the Fourth

Keepers of Excise Offices declared not to be Officers of Excise.

or of this Act, to hold and keep an Office of Excise, shall, on account or by reason of such Appointment, be deemed or taken to be an Officer of Excise, nor shall as such be subject to any of the Restrictions or entitled to any of the Exemptions to which Officers of Excise are, under the said Acts recited in the Preamble of this Act, or either of them, or under any other Act or Acts, subject or entitled.

All Vessels, &c. not duly entered, and all Goods found in unentered Premises, declared forfeited.

V. 'And whereas Doubts have arisen whether Goods found in unentered Places or Premises have in some Instances been thereby forfeited,' be it declared and enacted, That all Stills, Backs, Vats, Coppers, Presses, Machines, and Vessels and Utensils, of which Entry is by any Law or Laws of Excise required to be made, and which shall not be duly and lawfully entered, and all Goods and Commodities found in any such unentered Still, Back, Vat, Copper, Press, Machine, or Vessel or Utensil, or in any House, Warehouse, Storehouse, Room, or Place required to be entered, and not duly and lawfully entered, shall be forfeited.

Managers or Directors of Joint Stock Companies or Corporations to make Entry on behalf of the Company.

VI. And be it enacted, That where any Trade or Business, in respect of which an Entry is by any Law or Laws of Excise required to be made with the Officers of Excise, is carried on by any Joint Stock Company or Corporation, such Entry of the Buildings, Places, and Vessels and Utensils, shall be made and signed by the Directors or Managers or Committee of such Joint Stock Company or Corporation, or if the Number shall exceed Four, then by Four at least of such Directors or Managers or Committee, for and on behalf of the Company or Corporation; and no Entry by any Clerk or Servant, or by any less Number of Directors or Managers or Committee, where they shall exceed Four, shall be a legal Entry; and the Directors or Managers or Committee signing such Entry shall, as regards the Revenue of Excise, be deemed and taken to be the real Owners of the Trade or Business, and as such shall be jointly and severally liable to all Duties of Excise charged and to all Penalties and Forfeitures incurred in respect of such Trade or Business.

Married Women, whose Husbands may become insane or incapable of transacting their own Affairs, or who may be separated from them, &c. may, with Consent of the Commissioners of Excise, make Entry of Premises.

VII. And be it enacted, That it shall be lawful for any Married Woman whose Husband shall become insane or idiot, or be otherwise rendered incapable of transacting his Affairs, or whose Husband shall be separated from her and be out of the Limits of the United Kingdom, to make Entry, with the Consent and Approbation of the Commissioners of Excise, of any Building, Place, Vessel, or Utensil, for the carrying on of any Trade or Business in respect of which any Entry is required by any Law or Laws relating to the Revenue of Excise; and every Married Woman so making Entry shall be subject and liable to all Duties, Penalties, and Forfeitures imposed by any Act relating to the Revenue of Excise, and to the Trade or Business in respect of which such Entry shall be made; and any Bond required by any Act or Acts relating to the Revenue of Excise, which shall be entered into by any such Married Woman, shall be good, valid, and effectual, notwithstanding her Coverture, as if she was sole and unmarried: Provided always, that it shall not be necessary or required, on the Trial or Hearing of any Information or Proceeding against any such Married Woman for the Recovery of any Duty or Penalty or Forfeiture, or upon any such Bond, to prove or give Evidence

of the Insanity, Idiotcy, or Incapacity of or Separation from or Absence of the Husband.

VIII. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that the Commissioners of Excise shall daily pay or cause to be paid into the Hands of the Receiver General of Excise in *England*, or in such other Manner as the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, shall from Time to Time direct, order, or appoint, all Money, and shall endorse and deliver over or transfer to such Receiver General, or in such other Manner as aforesaid, all Bills of Exchange, Promissory Notes, Drafts, Checks, or Orders for the Payment of Money which shall from Time to Time be collected or received by or paid or transmitted to such Commissioners, for or on account of the Duties or Revenue of Excise (except only the necessary Charges paid of collecting, receiving, levying, managing, paying, and accounting for the same, and all other Payments legally made thereout); and if any Commissioner of Excise shall fraudulently or knowingly and wilfully detain or misapply any Money, Bill of Exchange, Promissory Note, Draft, Check, or Order for the Payment of Money as aforesaid, or any Part thereof, or any Security for Money, every such Commissioner so offending shall forfeit his Office, and shall be rendered incapable of serving His Majesty, His Heirs or Successors, in any Office or Place of Profit or Trust whatsoever, and shall also forfeit and lose Treble the Amount of every Sum of Money, Bill, Note, Draft, Check, or Order for the Payment of Money, or Security for Money, so detained or misapplied as aforesaid," shall be and the same is hereby repealed. 7 & 8 G. 4. c. 53.
s. 47. repealed.

IX. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, from Time to Time, under his Hand and Seal or under their Hands and Seals, to appoint a Comptroller and an Auditor for the United Kingdom, on behalf of His Majesty, His Heirs and Successors, for the Purpose of comptrolling and auditing respectively all Accounts of and belonging to the Revenue of Excise, with such Salaries respectively, payable by the Commissioners of Excise out of the Revenue of Excise, as the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, may in that Behalf order and direct; and that such Comptroller and Auditor respectively shall in all respects be subject to such Rules, Orders, Regulations, and Directions as the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, shall from Time to Time make or prescribe, and transmit to the said Comptroller and Auditor respectively, for their Direction and Guidance in their respective Offices," shall be and the same is hereby repealed. Repeal of
7 & 8 G. 4. c. 53.
s. 49.

X. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that all Money, Bills, Notes, Drafts, Checks, or Orders for Payment of Money, received by or coming into the Hands of the Receiver General of Excise on account of Repeal of
7 & 8 G. 4. c. 53.
s. 50.

the Revenue of Excise (except as is herein-after excepted), shall be paid by him into the Hands of the Governor and Company of the Bank of *England*, that is to say, all Money, Notes, Drafts, Checks, and Orders, either on the same Day or on the Day next after the same shall have been received, and all Bills on the Day on which the same, having been first duly accepted, shall have been endorsed by the Commissioners of Excise, or any Two of them, for which Money, Bills, Notes, Drafts, Checks, and Orders, the Entry in the Books herein-after mentioned shall be a sufficient Discharge; and all such Money, Bills, Notes, Drafts, Checks, and Orders, so to be paid to the Governor and Company of the Bank of *England*, shall be placed to an Account to be raised in the Books of the said Governor and Company, and to be intituled "The Account of the Public Monies of the Receiver General of Excise," inserting the Name of such Receiver General for the Time being," shall be and the same is hereby repealed.

Repeal of
7 & 8 G. 4. c. 53.
s. 51.

XI. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as provides and enacts "that it shall be lawful for such Receiver General to retain and keep in his own Hands at the Close of each Day, for the Payment of casual and ordinary and daily Demands, out of the Money so received by him as such Receiver General, any Sum not exceeding Thirty thousand Pounds, or such further Sum not exceeding Fifty thousand Pounds, over and above the said Thirty thousand Pounds, as shall be directed or authorized by the Commissioners of Excise to be retained by such Receiver General, or such further Sum of Money as shall or may from Time to Time, by a Permission in Writing under the Hand or Hands of the Lord High Treasurer, or of any Three or more of the Commissioners of the Treasury, be allowed to be retained by such Receiver General," shall be and the same is hereby repealed.

Repeal of
7 & 8 G. 4. c. 53.
s. 52.

XII. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that the Governor and Company of the Bank of *England*, or some Person duly authorized on their Behalf, shall daily, upon receiving any Money, Bill, Note, Draft, Check, or Order from the Receiver General, make an Entry of the Money, and of every Bill, Note, Draft, Check, and Order, so received, in a Book to be provided by the said Governor and Company, with the Approbation of the Lord High Treasurer or Commissioners of the Treasury, and sent for that Purpose by such Receiver General; and such Book shall be forthwith, after the making of such Entry, re-delivered to the Persons making such Payment, and shall be inspected daily after its Return by the Excise Comptroller of the Cash or his Clerk (such Clerk being first duly authorized by such Comptroller, and for whose Conduct therein he shall be answerable), who shall compare the same with the Book kept by such Comptroller of the Cash, for the Purpose of seeing that the Receiver General constantly pays into the Bank all the Money, Bills, Notes, Drafts, Checks, and Orders which he is required to do under the Provisions of this Act; and any Default which such Comptroller of the Cash or his Clerk (duly authorized as aforesaid) may discover in that Behalf shall, by such Comptroller

troller of the Cash, be immediately reported to the Commissioners of Excise," shall be and the same is hereby repealed.

XIII. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that the Receiver General of Excise shall pay or cause to be paid, into the Receipt of the Exchequer at *Westminster*, all Money placed to the Account of the Receiver General as aforesaid in the Bank of *England*, on such Days in every Week respectively as the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, shall from Time to Time direct, order, or appoint, and in such Manner as herein-after mentioned; that is to say, the said Receiver General or his Clerk (duly authorized by him for that Purpose, and for whose Conduct therein he shall be answerable,) shall make an Order upon the Governor and Company of the Bank of *England*, which Order shall be countersigned by the Excise Comptroller of the Cash, to write off from his Account the Sum desired; and the said Governor and Company, or some Person duly authorized on their Behalf, shall thereupon write off such Sum, and deliver a Note, drawn (and which, for greater Security, shall be cancelled) in such Manner and Form as shall be approved of by the Lord High Treasurer or Commissioners of the Treasury, for the Amount, to the said Receiver General or his Clerk, who shall pay the same into the Exchequer; and the Bank Clerks attending there shall receive such Note as Cash to the Amount thereof; and it shall not be lawful for the Governor and Company of the Bank of *England* to pay, or transfer from the Account of the Receiver General any Part of the Money so deposited and placed to such Account, otherwise than into the Exchequer in manner aforesaid, or to deliver any Bill of Exchange, Promissory Note, Draft, Check, or Order for the Payment of Money, save and except to His Majesty's Solicitor of Excise in *England*, or his Clerk, upon his Application for the same, countersigned by the said Receiver General or his Clerk, and such Comptroller of the Cash or his Clerk, for the sole Purpose of prosecuting an Extent for the Recovery of the Money for which any such Bill of Exchange, Promissory Note, Draft, Check, or Order for the Payment of Money shall have been given; and in such Case the Commissioners of Excise shall be immediately acquainted therewith, if sitting, by such Solicitor, Receiver General, and Comptroller of the Cash, or if not sitting, then at the Time of their next assembling; and such Delivery shall be entered at the Bank in the Bank Book of the Receiver General, to be kept as is herein-before directed," shall be and the same is hereby repealed.

Repeal of
7 & 8 G. 4. c. 53.
s. 53.

XIV. And be it enacted, That it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, under his Hand and Seal or under their Hands and Seals, to appoint a fit and proper Person to be the Comptroller and Auditor of Excise on behalf of Her Majesty, Her Heirs and Successors, for the Purpose of comptrolling and auditing all Accounts of and belonging to the whole Revenue of Excise arising in and under the Management of the Commissioners of Excise throughout the United Kingdom of *Great Britain* and *Ireland*, with such Salary, payable by the Commissioners of Excise out of

Lords of the
Treasury to
appoint a Comptroller and Auditor of Excise.

the Revenue of Excise, as the Lord High Treasurer or the Commissioners of the Treasury may in that Behalf order and direct; and such Comptroller and Auditor shall in all respects be subject to such Rules, Orders, Regulations, and Directions as the Lord High Treasurer or the Commissioners of the Treasury shall from Time to Time make or prescribe, and transmit to the said Comptroller and Auditor, for his Direction and Guidance in his said Office: Provided always, that any Appointment of any Person as such Comptroller and Auditor made before the passing of this Act shall be good and valid, and shall continue in force as if the same had been afterwards made under and by virtue of the Authority of this Act.

All the Revenue of Excise to be paid over to the Receiver General.

XV. And be it enacted, That all Money, and all Bills of Exchange, Promissory Notes, Drafts, Checks, Accountable Receipts, and Orders for the Payment of Money, which shall from Time to Time be collected or received or paid, for or on account of the Duties or Revenue of Excise, shall (except only the necessary Charges of collecting, receiving, levying, managing, paying, and accounting for the same, and all other Payments legally paid thereout,) be paid, remitted, and delivered, under the Orders and Directions of the Commissioners of Excise, into the Hands of the Receiver General of Excise, at the Chief Office of Excise, or in such other Manner as the Lord High Treasurer or Commissioners of the Treasury shall from Time to Time order, direct, or appoint; and all such Bills of Exchange, Promissory Notes, Drafts, Checks, Accountable Receipts, and Orders for the Payment of Money, remitted or forwarded to the Chief Office of Excise, shall be made and drawn in favour of the said Receiver General, who shall, by himself, or his Clerk duly authorized by him for that Purpose, and for whose Conduct he shall be answerable, endorse the same, before the Payment and Delivery thereof into the Bank of *England* as herein-after directed.

All Monies, Bills, Notes, &c. to be paid by the Receiver General of Excise into the Bank of *England*.

XVI. And be it enacted, That all Monies, Bills, Notes, Drafts, Checks, Accountable Receipts, or Orders for Payment of Money, received by or coming into the Hands of the Receiver General of Excise, shall be paid by him into the Hands of the Governor and Company of the Bank of *England*, for which Monies, Bills, Notes, Drafts, Checks, Receipts, and Orders the Entry in the Book herein-after mentioned shall be a sufficient Discharge; and all such Monies, Bills, Notes, Drafts, Checks, Receipts, and Orders so paid to the Governor and Company of the Bank of *England* shall be placed to an Account raised in the Books of the said Governor and Company, and intituled "The Account of the Public Monies of the Receiver General of Excise," inserting the Name of such Receiver General for the Time being; and all such Payments shall be made at such Times and in such Manner, and under such Rules, Orders, and Regulations, and such Accounts thereof shall be kept, as the Lord High Treasurer or the Commissioners of the Treasury, or the Commissioners of Excise, shall from Time to Time direct and prescribe in that Behalf.

Payments for ordinary Purposes may be made, and Money retained, &c.

XVII. Provided always, and be it enacted, That it shall be lawful for the said Receiver General to pay, out of the Monies received by him, the ordinary and daily Payments required to be made by Orders of the Commissioners of Excise or otherwise, and upon

upon any special Occasion to retain in his Hands, at the Close of any Day, such Sum as he shall be authorized or directed by the Commissioners of Excise to retain.

XVIII. And be it enacted, That the Governor and Company of the Bank of *England*, or some Person duly authorized on their Behalf, shall, upon every Occasion of receiving any Money, Bill, Note, Draft, Check, Accountable Receipt, or Order for Payment of Money, from the Receiver General, make an Entry of the Money, and of every such Bill, Note, Draft, Check, Receipt, and Order for Money so received, in a Book to be provided by the said Governor and Company, with the Approbation of and to be kept in such Form as shall be directed by the Lord High Treasurer or Commissioners of the Treasury, and sent for that Purpose by such Receiver General; and such Book shall, forthwith after the making of such Entry, be re-delivered to the Person making such Payment, and shall be inspected daily after its Return by the proper Check Officer or Officers at the Chief Office of Excise, charged with such Duty by the Lord High Treasurer or Commissioners of the Treasury, or by the Commissioners of Excise, who shall examine and compare the same with the Excise Accounts, for the Purpose of seeing that the Receiver General constantly pays into the Bank all the Money, Bills, Notes, Drafts, Checks, Receipts, and Orders for Payment of Money as required under the Provisions of this Act; and any Default which may be discovered in that Behalf shall forthwith be immediately reported by such Check Officer or Officers to the Commissioners of Excise.

XIX. And be it enacted, That all Money placed to the Account of the Receiver General of Excise in the Bank of *England* shall be written off, transferred, and paid to the Receipt and Account of the Exchequer, under the Provisions and Regulations of an Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intitled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer* at Westminster, and under such Regulations and Directions as the Lord High Treasurer or Commissioners of the Treasury shall in that Behalf prescribe; and it shall not be lawful for the Governor and Company of the Bank of *England* to pay or transfer, from the Account of the Receiver General, any Part of the Money so deposited and placed to such Account, otherwise than into the Exchequer in manner aforesaid, or in Payment of such Check or Checks as such Receiver General, or his Clerk duly authorized by him for that Purpose, and for whose Conduct he shall be answerable, may be authorized to draw, under the Sanction and Rules and Regulations of the Lord High Treasurer or Commissioners of the Treasury, such Checks being first duly countersigned by the proper Check Officers, or to deliver any Bill of Exchange, Promissory Note, Draft, Check, Accountable Receipt, or Order for the Payment of Money, save and except to Her Majesty's Solicitor of Excise in *England*, or his Clerk, upon his Application for the same, countersigned by the Receiver General or his Clerk, for the sole Purpose of prosecuting an Extent for the Recovery of the Money for which any such Bill of Exchange, Promissory Note, Draft, Check, Order, or Receipt for the Payment of Money shall have been given; and in such Case the Commissioners of

All Monies, Bills, Notes, &c. paid into the Bank of *England* by the Receiver General of Excise to be forthwith entered in a Book by an Officer of the Bank, and the Book to be daily inspected by the Check Officers of Excise.

Money to be paid over to the Exchequer under the Provisions of 4 & 5 W. 4. c. 15. and the Orders of the Treasury.

Excise shall be immediately acquainted therewith, if sitting, by such Solicitor and Receiver General, or if not sitting, then at the Time of their next assembling; and every such Delivery shall be entered in the Bank Book of the Receiver General, to be kept as herein-before directed.

Commissioners of Excise empowered to appoint Check Officers, and all Persons so appointed or directed by the Treasury to be deemed the proper Check Officers.

XX. And be it enacted, That it shall be lawful for the Commissioners of Excise to appoint and direct any Accomptants or Officers whom they shall see fit to examine and check the said Bank Book of the Receiver General, or to countersign any Checks or other Documents of the Receiver General of Excise; and every Person so appointed or directed, and the Comptroller or other Officer directed by the Lord High Treasurer or Commissioners of the Treasury to perform the like Duties, shall be and shall be deemed and taken to be the proper Check Officers within the Meaning of this Act: Provided always, that where any Check, Draft, Write-off, or other Document required to be countersigned by any such Check Officer, is to be acted on by the Governor and Company of the Bank of *England*, the Nomination and Appointment and the Signature of such Check Officer shall be first made known to the said Governor and Company.

Excise Duties in Ireland to continue to be paid into the Bank of Ireland, unless the Treasury shall otherwise order.

XXI. Provided always, and be it enacted, That the Duties of Excise arising, collected, and paid in *Ireland* shall, unless the Lord High Treasurer or Commissioners of the Treasury shall otherwise order or direct, continue to be paid into the Bank of *Ireland* to the Account of Her Majesty's Exchequer, in the same Manner as the same are now paid in under the Powers and Authorities of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Regulation of the Offices of Vice Treasurer and Teller of the Exchequer in Ireland*, and the other Acts therein recited, any thing in this Act contained to the contrary notwithstanding.

Accountant General of Excise to prepare and pass an Account annually before the Comptroller and Auditor of Excise.

XXII. And be it enacted, That the Accountant General of Excise shall annually prepare and pass, before the Comptroller and Auditor of Excise, Accounts of the Produce of the Revenue of Excise under the Care and Management of the Commissioners of Excise, and of the Payments thereout, for *England*, *Scotland*, and *Ireland*; and such Accounts shall contain the Amount charged for each of the several Duties of Excise, and the Particulars of the Payments made out of the Revenue of Excise, and shall be substituted for the Account now rendered and sworn to by the Commissioners of Excise before a Baron of Her Majesty's Court of Exchequer, or shall be in such Form, and contain such Particulars, as the Lord High Treasurer or Commissioners of the Treasury shall direct; and such Accounts shall be made up to the Fifth Day of *January* in every Year, or to such other Period in every Year as the Lord High Treasurer or Commissioners of the Treasury shall appoint, and shall be delivered by the said Accountant General to the said Comptroller and Auditor within such Time as shall be limited by the Lord High Treasurer or Commissioners of the Treasury for that Purpose; and from and after the passing of this Act the Commissioners of Excise shall be discharged from being Public Accomptants, and shall not be required or called upon to render or pass or swear to, as heretofore, any Account of the Revenue of Excise under their Care and Management:

Management : Provided always, that nothing herein contained shall be held or construed to extend to exempt or discharge the said Commissioners of Excise from rendering and furnishing to the Lord High Treasurer or Commissioners of the Treasury any Account or Accounts which may from Time to Time be called for or required from them by the said Lord High Treasurer or Commissioners of the Treasury.

XXIII. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King *George* the Fourth as enacts "that all Goods and Commodities for or in respect whereof any Duty or Duties of Excise is, are, or shall be by Law imposed, and all Materials, Preparations, Utensils, and Vessels for the making thereof, or by which any such Trade or Business shall have been carried on, in the Custody or Possession of the Person or Persons carrying on such Trade or Business, or in the Custody or Possession of any other Person or Persons, to the Use of or in Trust for the Person or Persons carrying on such Trade or Business, shall be and remain subject and liable to, and the same are hereby made chargeable with, all the Duties of Excise which, during the Time of any such Custody or Possession, shall be charged or become chargeable, or be in arrear or owing, from or by the Person or Persons carrying on such Trade or Business for or in respect of the same, or of any such or the like Goods and Commodities respectively; and shall also be and remain subject and liable to all Penalties and Forfeitures which, during any such Custody or Possession, shall be incurred by the Person or Persons carrying on such Trade or Business, for any Offences by such Person or Persons committed against this Act, or any other Act or Acts of Parliament relating to the Revenue of Excise; and all such Goods, Commodities, Materials, Preparations, Utensils, and Vessels shall be and remain subject and liable to all such Duties, Penalties, and Forfeitures, into whose Hands soever the same shall afterwards come, or by what Conveyance or Title soever the same shall be claimed; and it shall be lawful, in all such Cases, to levy thereupon such Duties, Penalties, and Forfeitures, and to use such Proceedings for the Recovery or Enforcement of such Duties, Penalties, and Forfeitures respectively, as may lawfully be done in Cases where the Debtors or Offenders are the true and lawful Owners of such Goods, Commodities, Materials, Preparations, Utensils, or Vessels," shall be and the same is hereby repealed.

Repeal of
7 & 8 G. 4. c. 53.
s. 28.

XXIV. And be it enacted, That all Goods and Commodities, for or in respect of which any Duty of Excise is or shall be by Law imposed, and all Materials and Preparations from which any such Goods are made, and all Stills, Backs, Vats, Coppers, Cisterns, Tables, Presses, Machines and Machinery, Vessels, Utensils, Implements, and Articles for making or manufacturing or producing any such Goods and Commodities, or preparing any Materials, or by which the Trade or Business in respect of which the Duty is or shall be imposed shall have been or shall be carried on, in the Custody or Possession of the Person carrying on such Trade or Business, or in the Custody or Possession of any Factor, Agent, or other Person in Trust for or for the Use of the Person carrying on such Trade or Business, shall be and remain subject and liable to, and

All Goods subject to Duties of Excise, and all Materials, Machinery, Vessels, and Implements used in the Manufacture, to be liable for all Duties, Arrears, and Penalties incurred whilst in the Possession of the Trader.

and the same are hereby made chargeable with, all the Duties of Excise which, during the Time of any such Custody or Possession, shall be or shall have been charged or become chargeable on or be in arrear or owing from or by the Person carrying on such Trade or Business; and shall also be and remain subject and liable to all Penalties and Forfeitures which during any such Custody or Possession shall be or shall have been incurred by the Person carrying on such Trade or Business, for any Offence by such Person committed against any Act or Acts relating to the Revenue of Excise; and all such Goods, Materials, and Preparations, Stills, Backs, Vats, Coppers, Tables, Presses, Machines, Machinery, Vessels, Utensils, and Articles shall be and remain subject and liable to all such Duties, Penalties, and Forfeitures, by whomsoever and by whatsoever Title or Conveyance the same may be claimed; and it shall be lawful to levy thereon such Duties, Penalties, and Forfeitures, and for that Purpose to seize, take, sell, remove, and dispose of the same as the Goods and Chattels of the Debtors or Offenders under any Writ or Writs of Extent, Execution, or other Process or Warrant for the Recovery or Enforcement of any such Duties, Penalties, and Forfeitures: Provided always, that where any Goods or Commodities subject to any Duty of Excise shall have been taken account of and duly charged with Duty by the proper Officer of Excise, and shall, after having been so taken account of and charged with Duty, be fairly and *bond fide*, and in the regular and ordinary Course of Trade, sold, disposed of, and delivered into the Possession of the Purchaser thereof, for a full and valuable Consideration, before the Teste or issuing of any Process or Warrant for the Recovery of any Duty or Penalty, such Goods and Commodities in the Possession of such fair and *bond fide* Purchaser shall be discharged from such Liability as aforesaid; but in all Cases where any Goods or Commodities shall be seized in the Custody or Possession of any Person, and shall be claimed to be discharged from such Liability, as having been fairly and in the regular and ordinary Course of Trade purchased, Proof of the Fairness and *bona fides* of the Purchase, and of the same having been in the regular and ordinary Course of Trade, and of the Sale and Delivery having been made before the Teste or issuing of the Process or Warrant under which such Goods or Commodities shall be seized, shall lie on the Claimer thereof.

Proviso, that where Goods duly charged with Duty have been sold and delivered in the fair and ordinary Course of Trade, the Liability to cease.

Repeal of
7 & 8 G. 4. c. 53.
s. 81.

XXV. And be it enacted, That so much of the said recited Act of the Eighth Year of the Reign of His said late Majesty King George the Fourth as enacts "that it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, from Time to Time, under his Hand and Seal or under their Hands and Seals, to appoint such and so many Persons to be Commissioners of Appeal in *England*, as he or they shall deem advisable, for and on behalf of His Majesty, His Heirs and Successors, for the Purpose of hearing Appeals, as herein-after mentioned, from any Judgment given by the Commissioners of Excise upon any Information exhibited before them, with such Salaries respectively, payable to such Commissioners of Appeal out of the Revenue of Excise, as the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury, may in that Behalf order and direct; and any Three or more of such Persons so appointed

appointed shall constitute a Court of Appeal for all such Purposes as herein-after mentioned," and so much of the said recited Act as gives any Appeal from any Judgment of the Commissioners of Excise to the said Commissioners of Appeal, shall be and the same is hereby repealed.

XXVI. And be it enacted, That in case any Officer of Excise who shall exhibit any Information, or any Person against whom any Information shall have been exhibited, or who shall appear and claim any Goods, Commodities, or Chattels alleged to be forfeited in any Information exhibited before the Commissioners of Excise, shall feel aggrieved by the Judgment given thereon by such Commissioners of Excise, it shall be lawful for such Officer, or such Person or Persons, upon giving and lodging such Notices as are by the said recited Acts required, to appeal from such Judgment to the Barons of Her Majesty's Court of Exchequer; and it shall be lawful thereupon for any One or more of the said Barons, and they are hereby authorized and required, upon being served with Notice of such Appeal, at such Place and at such Time as he or they shall appoint, to hear, adjudge, and finally determine such Appeal; and the Baron or Barons of the Exchequer by whom such Appeal shall be heard, adjudged, and determined shall have all the same Powers and Authorities as are by the said recited Acts given to the Commissioners of Appeal; and all the Enactments, Rules, Regulations, and Provisions in the said recited Acts contained in respect to an Appeal to the Commissioners of Appeal shall, except as altered or varied by this Act, be in full Force and Effect, and shall be observed and complied with in all respects in the bringing, lodging, hearing, adjudging, and determining any such Appeal to the Barons of Her Majesty's Court of Exchequer, and in enforcing any Judgment given thereon.

XXVII. And be it enacted, That the Registrar of the Commissioners of Excise shall be the Registrar of the Barons of Her Majesty's Court of Exchequer, as Judges of Appeal under this Act, to or with whom all Notices required to be delivered to or lodged with the Registrar of the Commissioners of Appeal shall be delivered and lodged; and all Acts, Matters, and Things to be done and executed by the Registrar of the Commissioners of Appeal under the Provisions of the said recited Acts or either of them shall be done and executed by the said Registrar of the Commissioners of Excise, who shall be and he is hereby authorized and required to issue all Summonses for compelling the Attendance of any Witness or Witnesses to appear and give Evidence on the hearing and determining of any such Appeal, and to do all other Acts touching and concerning such Appeal, authorized, empowered, or required to be done by the Registrar of the Commissioners of Appeal under the said recited Acts.

XXVIII. And be it enacted, That it shall be lawful for the said Registrar, and for the Clerk or Clerks of the Baron or Barons of Her Majesty's Court of Exchequer hearing such Appeal, to take, demand, receive, and recover such Fees from the Appellant and Respondent respectively in any such Appeal as shall be fixed and appointed by any Table of Fees to be approved of and signed by the said Barons of Her Majesty's Court of Exchequer, or any Two or more of them.

Persons aggrieved by Judgment of the Commissioners of Excise may appeal to the Barons of the Exchequer.

Registrar of the Commissioners of Excise to be the Registrar of the Barons on Appeals.

Fees may be taken by the Registrar and Barons Clerk.

XXIX. And

Witnesses summoned on an Appeal, and not attending or refusing to give Evidence, to forfeit 50*l*.

Seven clear Days Notice to be given of the Hearing of an Appeal.

Summons may be served by Officers of Excise.

Seizures under 15*l*. Value, unless claimed in One Month, to be condemned.

Complaint of Overcharge or Over-payment

XXIX. And be it enacted, That every Person who, being summoned to appear and give Evidence before a Baron of Her Majesty's Court of Exchequer upon any such Appeal, and who, having the reasonable Expences for his or her Attendance tendered, shall neglect or refuse to appear at the Time and Place specified in the Summons according to the Exigency thereof, or who having appeared shall refuse to take Oath, or, if a Quaker, to affirm, or shall refuse to give Evidence, or to answer according to the best of his Knowledge and Belief any legal Question when thereunto required, shall for every such Default or Offence forfeit Fifty Pounds.

XXX. And be it enacted, That the Notice of the Time and Place when and where any Appeal to the Barons of Her Majesty's Court of Exchequer, or to the Justices assembled at the Quarter Sessions of the Peace, is to be heard, shall be given on the Part of the Appellant to or left at the Place of Abode of the Respondent Seven clear Days at least before such Appeal is to be heard and determined.

XXXI. And be it enacted, That any Summons, Notice, Order, or other Proceeding issued on any Information exhibited before the Commissioners of Excise, or any Justice or Justices, for the Recovery of any Penalty or the enforcing of any Forfeiture incurred or to be recovered or enforced under any Law or Laws of Excise, or on any Appeal against any Judgment of the Commissioners of Excise, or any Justice or Justices of the Peace, on any such Information, may be served by any Officer of Excise or other Person; and such Service shall be good and legal Service, any thing in any Act or Acts to the contrary notwithstanding.

XXXII. And be it enacted, That all Goods, Commodities, Chattels, and Things, not exceeding Fifteen Pounds in Value, which shall be seized as forfeited under the Provisions of any Act or Acts relating to the Revenue of Excise, and which shall not within the Space of One Month after the Seizure thereof be claimed by the Owner, by Application in Writing either to the Commissioners or the Collector or Supervisor of Excise, or to the Officer seizing or in whose Custody the Goods, Commodities, Chattels, or Things seized shall be, shall be absolutely forfeited, as fully and effectually as if the same had been condemned by Judgment of Condemnation of Her Majesty's Court of Exchequer; and in all Cases in which any such Goods, Commodities, Chattels, or Things seized shall be claimed by any Person within such Time as aforesaid, such Proceedings shall be had for the Condemnation thereof as in the Case of other Goods, Commodities, or Chattels or Things seized as forfeited under any Law or Laws of Excise: Provided always, that nothing herein contained shall extend or be construed to extend to restrict or affect the Forfeiture of any Goods, Commodities, Chattels, or Things seized under the Provisions of an Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in *Ireland*.

XXXIII. And be it enacted, That no Complaint of any Overcharge or Over-payment of any Duty of Excise shall be made to the Commissioners of Excise within the Limits of the Chief Office

of Excise, or to any Justices of the Peace in any other Part of the United Kingdom, by any Person liable to the Payment of any Duty of Excise, in any Case where the Subject Matter of such Complaint shall be a Question whether any Goods or Commodities are Goods or Commodities liable to be charged with a Duty of Excise, or are liable to a higher or lower Rate of Duty, or as to the Mode or Manner of charging the Duty of Excise on any Goods or Commodities; and it shall not be lawful for the said Commissioners or Justices to try or decide any such Question on any such Complaint, but all Proceedings thereon, allowing any Overcharge or Over-payment of Duty, and all and every Warrant issued in pursuance thereof, shall be null and void, any thing in the said recited Act of the Fifth Year of the Reign of His late Majesty King *William* the Fourth notwithstanding: Provided always, that where any Person charged with any Duty of Excise shall question the Legality of the Charge, on the Ground that the Goods or Commodities charged are not Goods or Commodities liable to a Duty of Excise, or are subject to a different Rate of Duty than the Rate of Duty charged, or on account of the Mode or Manner in which such Duty shall have been charged, and shall, within Six Days after the Return of the Officer of Excise, give Notice to the Commissioners of Excise, or to the Collector or Supervisor of Excise, within the Limits of whose Business such Charge shall have been made, of his Objection to the Charge, and the Ground of such Objection, such Person shall not be concluded by the Return or Charge of the Officer of Excise, but such Person shall be at liberty, on any Information filed or other Proceedings taken to recover the Payment of any Duty or Portion of Duty charged on and refused to be paid by him, in his Defence to dispute such Charge, and his Liability to the Payment of the Amount of Duty specified therein, or of any Portion thereof.

XXXIV. And be it enacted, That all Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments in the United Kingdom, which have heretofore been purchased, acquired, or taken for the Use and Service of the Revenue of Excise, together with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, (other than and except such Messuages, Lands, Tenements, and Hereditaments as may be of Copyhold Tenure,) shall be and become, and remain and continue, vested in the Secretary for the Time being of the Commissioners of Excise, and his respective Successors as Secretaries in such Service, according to the Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in Trust for Her Majesty, Her Heirs and Successors, for the Use and Service of the Revenue of Excise.

XXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

of Duty not to be made to the Commissioners of Excise or Justices of the Peace, in Cases where the Question shall be the Liability of Goods to Duty, or the Rate of Duty, or the Mode of charging the Duty.

All Lands and Buildings taken for the Service of the Excise vested in the Secretary of Excise.

Act may be amended, &c.

C A P. XXI.

An Act for rendering a Release as effectual for the Conveyance of Freehold Estates as a Lease and Release by the same Parties. [18th May 1841.]

‘ **W**HEREAS it is expedient to lessen the Expence of conveying Freehold Estates: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Deed or Instrument of Release of a Freehold Estate, or Deed or Instrument purporting or intended to be a Deed or Instrument of Release of a Freehold Estate, which shall be executed on or after the Fifteenth Day of *May* One thousand eight hundred and forty-one, and shall be expressed to be made in pursuance of this Act, shall be as effectual for the Purposes therein expressed, and shall take effect as a Conveyance to Uses or otherwise, and shall operate in all respects both at Law and Equity as if the releasing Party or Parties who shall have executed the same had also executed in due Form a Deed or Instrument of Bargain and Sale or Lease for a Year for giving Effect to such Release, although no such Deed or Instrument of Bargain and Sale or Lease for a Year shall be executed; provided that every such Deed or Instrument so taking effect under this Act shall be chargeable with the same Amount of Stamp Duty as any Bargain and Sale or Lease for a Year would have been chargeable with (except progressive Duty) if executed to give effect to such Deed or Instrument, in addition to the Stamp Duties which such Deed or Instrument shall be chargeable with as a Release or otherwise under any Act or Acts relating to Stamp Duties.

II. ‘ And whereas many Deeds or Instruments of Bargain and Sale or Leases for a Year, to give effect to Deeds or Instruments of Release of Freehold Estates heretofore executed, have been ‘lost or mislaid;’ be it enacted, That where, in or by any Deed or Instrument of Release of Freehold Estates executed before the Fifteenth Day of *May* One thousand eight hundred and forty-one, any Deed or Instrument of Bargain and Sale or Lease for a Year for giving effect to such Deed or Instrument of Release shall be recited, or by any Mention thereof in such Deed or Instrument of Release appear to have been made or executed, such Recital or Mention thereof shall be deemed and taken to be conclusive Evidence of the Deed or Instrument of Bargain and Sale or Lease for a Year so recited or mentioned having been made and executed; and such Deed or Instrument of Release shall also have the like Effect as if the same had been executed after the Fifteenth Day of *May* One thousand eight hundred and forty-one, whether such Deed or Instrument of Bargain and Sale or Lease for a Year shall or shall not have been lost or mislaid, or may or may not be produced: Provided always, that this Act shall not prejudice or affect any Proceedings at Law or in Equity pending at the Time of the passing of this Act, in which the Validity of any Bargain and Sale or Lease for a Year shall be in question between the Party claiming under such Bargain and Sale or Lease for a Year and the Party claiming adversely thereto; and such Bargain and Sale or Lease

A Release to be effectual although no Lease for a Year shall be executed.

Release chargeable with the Stamp Duty to which the Lease for a Year would have been liable.

The Recital or Mention of a Lease for a Year in a Release executed before the passing of this Act to be Evidence of the Execution of such Lease for a Year.

Lease for a Year, if the Result of such Proceedings shall invalidate the same, shall not be rendered valid by this Act.

III. And be it enacted, That in the Construction of this Act the Word "Freehold" shall have not only its usual Signification, but shall extend to all Lands and Hereditaments for the Conveyance of which, if this Act had not been passed, a Bargain and Sale or Lease for a Year, as well as a Release, would have been used.

Construction
of the Word
"Freehold."

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be
amended, &c.

C A P. XXII.

An Act to remove Doubts as to the Liability of Lords and Peers of Parliament to Punishment in certain Cases of Felony.
[21st June 1841.]

WHEREAS Doubts have been entertained whether, notwithstanding the Provisions of an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for further improving the Administration of Justice in Criminal Cases in England*, so much of an Act passed in the First Year of the Reign of His Majesty King Edward the Sixth, intituled *An Act for the Repeal of certain Statutes concerning Treasons and Felonies*, as enacts "that in all and every Case and Cases where any of the King's Majesty's Subjects shall and may, upon his Prayer, have the Privilege of Clergy as a Clerk Convict that may make Purgation, in all those Cases and every of them, and also in all and every Case and Cases of Felony wherein the Privilege and Benefit of Clergy is restrained, excepted, or taken away by this Statute or Act, (wilful Murder and poisoning of Malice prepensed only excepted,) the Lord or Lords of the Parliament, and Peer and Peers of the Realm having Place and Voice in Parliament, shall, by virtue of this present Act, of common Grace, upon his or their Request or Prayer alleging that he is a Lord or Peer of this Realm, and claiming the Benefit of this Act, though he cannot read, without any burning in the Hand, Loss of Inheritance, or Corruption of his Blood, be adjudged, deemed, taken, and used, for the first Time only, to all Intents, Constructions, and Purposes, as a Clerk Convict, and shall be in Case of a Clerk Convict which may make Purgation, without any further or other Benefit or Privilege of Clergy to any such Lord or Peer from thenceforth, at any Time after, for any Cause to be allowed, adjudged, or admitted, any Law, Statute, Usage, Custom, or any other Thing to the contrary notwithstanding," may not, for some Purposes, still remain in force: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said last-mentioned Act as is herein-before recited shall from henceforth be repealed and utterly void, and no longer of any Effect; and that every Lord of Parliament or Peer of this Realm having Place and Voice in Parliament, against whom any Indictment for Felony may be found, shall plead to such Indictment, and shall upon Conviction be liable to the same Punishment

7 & 8 G. 4. c. 28.

1 Edw. 6. c. 12.
s. 13.

Part of recited
Act repealed.

Peers convicted
of Felony liable
to same Punish-
ment as other
Subjects.

as

as any other of Her Majesty's Subjects are or may be liable upon Conviction for such Felony, any Law or Usage to the contrary in anywise notwithstanding.

C A P. XXIII.

An Act to suspend until the Thirty-first Day of *August* One thousand eight hundred and forty-two the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

[21st June 1841.]

[*This Act is the same, except as to Dates, as 3 & 4 Vict. c. 71.*]

C A P. XXIV.

An Act to amend an Act to grant certain Powers to Heirs of Entail in *Scotland*, and to authorize the Sale of Entailed Lands for the Payment of certain Debts affecting the same.

[21st June 1841.]

6 & 7 W. 4. c. 42. **W**HEREAS an Act was passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to grant certain Powers to Heirs of Entail in Scotland, and to authorize the Sale of Entailed Lands for the Payment of certain Debts affecting the same*, whereby Heirs of Entail were authorized to make Excambions to a certain Extent of their Entailed Lands and Estates at the Sight and with the Approbation of the Court of Session, and to complete the same by Contracts of Excambion, to be approved of by the Court, and recorded in the Sheriff Court Books of the Shires within which the Lands lie and also in the Register of Tailzies: And whereas Doubts have arisen whether it is necessary to insert in such Contracts of Excambion the whole Destination of Heirs Substitutes and Successors, and the Conditions and Provisions, and prohibitory, irritant, and resolute Clauses of the original Entail, and to apply by Petition to the Court of Session for Leave to have the Contract recorded in Terms of the Act passed in the Parliament of *Scotland* in the Year Sixteen hundred and eighty-five, intituled *Act concerning Tailzies*, and it is expedient that such Doubts should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be necessary to insert in any Contract of Excambion executed under the Authority of the said first-recited Act the whole Destination of Heirs Substitutes and Successors, or the Conditions and Provisions, and prohibitory, irritant, and resolute Clauses of the original Entail: Provided always, that Reference be made in the Contract to such original Entail, and the Date thereof, and the Date of recording the same in the Register of Tailzies; and it shall be incumbent on the Keeper of the Register of Tailzies to insert such Contracts in the Register of Tailzies, upon the same being presented to him, without the Necessity of a Warrant from the Court of Session for that Purpose.

The Insertion in Contracts of Excambion of certain Matters contained in the original Entail not necessary.

Act may be altered, &c.

II. And be it enacted, That this Act may be altered or repealed by any Act to be passed in the present Session of Parliament.

C A P. XXV.

An Act to amend and continue for One Year, and to the End of the then next Session of Parliament, the several Acts relating to the Importation and keeping of Arms and Gunpowder in *Ireland*. [21st June 1841.]

‘WHEREAS an Act was passed in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to prevent improper Persons from having Arms in Ireland*, to continue in force for a limited Period; which Act was by another Act passed in the Fiftieth Year of His said Majesty’s Reign continued and amended; and such Acts, having been continued, were by another Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth amended and further continued until a Time when the same expired: And whereas by another Act passed in the First and Second Years of His late Majesty’s Reign the said recited Acts were revived and continued: And whereas by Three other Acts passed respectively in the Second and Third, and Fourth and Fifth, and Sixth and Seventh Years of the Reign of His late Majesty such Acts were continued: And whereas by another Act passed in the First and Second Years of the Reign of Her present Majesty the said Acts were amended and continued, and the same were further continued by another Act passed in the last Session of Parliament, and will remain in force until the Twenty-third Day of *July* in this present Year, and thenceforth until the End of the then next Session of Parliament; and it is expedient that the said Acts should be amended and further continued;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Person desirous of obtaining a Licence to keep Arms according to the Provisions of the said Acts shall, Ten clear Days at least before the First Day of the General Sessions of the Peace at which such Person shall intend to apply for such Licence, deliver or transmit, or cause to be delivered or transmitted, to the Clerk of the Peace of the County in which such Applicant may reside, or to his Deputy, and shall, Fourteen clear Days at least before the First Day of such General Sessions, deliver or transmit, or cause to be delivered or transmitted, to the Clerk of the Petty Sessions for the District wherein such Person shall reside, the Application in Writing and Affidavit prescribed by the said Act of the Forty-seventh Year of His said Majesty King *George* the Third; and the said Clerk of the Peace or his Deputy and the Clerk of Petty Sessions respectively shall, at the Time of the Receipt thereof, endorse upon such Application and Affidavit the Date of the Delivery and Receipt thereof, and also make an Entry thereof in a Book to be provided for the Purpose, and which Book shall be kept in the Office of the said Clerk of the Peace and Clerk of Petty Sessions, and be open to the Inspection of every Justice of the Peace of the said County; and each such Clerk of Petty Sessions shall, Ten Days at least before the First Day of the next General Sessions of the

47 G. 3. sess. 2.
c. 54.

50 G. 3. c. 109.

10 G. 4. c. 47.

1 & 2 W. 4. c. 47.

2 & 3 W. 4. c. 70.

4 & 5 W. 4. c. 53.

6 & 7 W. 4. c. 39.

1 & 2 Vict. c. 71.

3 & 4 Vict. c. 32.

Applications for Licences to keep Arms shall be delivered or transmitted to the Clerk of the Peace Ten, or to the Clerk of Petty Sessions Fourteen, Days before the Sessions of the Peace at which such Application is to be considered.

47 G. 3. sess. 2.
c. 54. s. 2.

Peace for such County, transmit all such Applications and Affidavits as shall have been so delivered or transmitted to him to the Clerk of the Peace for the said County or his Deputy; and such Clerk of the Peace shall, at least Seven Days before the First Day of each such Sessions, make out a List of all such Applications, and shall furnish a Copy of such List to any Justice of the Peace of the said County who shall require the same, either before or during the Sessions; and every Application and Affidavit so delivered or transmitted shall be deemed to be well and sufficiently delivered within the Meaning of the said recited Act; and it shall not be lawful for the Justices at any Sessions after the passing of this Act to grant any Licence to keep Arms, except in a Case where an Application and Affidavit shall have been so delivered or transmitted within such Time respectively as aforesaid.

Applications for
Licences where
to be made.

II. And be it enacted, That from and after the passing of this Act all Applications for Licences to keep Arms by Persons resident in any County at large shall be made to some Sessions holden in the Division of such County wherein the Applicant resides.

Special Days to
be appointed
for hearing Ap-
plications for
Licences to
keep Arms at
each Sessions.

III. And be it enacted, That the Assistant Barrister in each County and Chairman of the Sessions in the County of *Dublin* shall, when fixing the Time for the Commencement of each Session, respectively appoint One or more Day or Days during such Sessions for the Consideration of Applications for Licences to keep Arms, and also the Hour at which such Business is to commence; and no such Application shall be considered upon any other Day or Days than the Time so appointed; and the respective Clerks of the Peace for the several Counties shall specify and distinguish the Time so appointed for the Consideration of such Applications for Licences to keep Arms during each Session, in the Notices of the Times and Places when and whereat each such Session will be holden which they are now by Law required to give.

Recited Acts
continued for
One Year.

IV. And be it enacted, That the said recited Act of the Forty-seventh Year of the Reign of His Majesty King *George* the Third, as the said Act is amended by the said recited Act of the Fiftieth Year of the same Reign, and by the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Fourth, and by the said recited Act of the First and Second Years of the Reign of Her present Majesty, and by this Act, shall be and the said Acts and each and every of them is and are hereby continued, and shall be and remain in force for the Term of One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

11 G. 4. &
1 W. 4. c. 44.
continued for a
Year.

V. ' And whereas an Act was passed in the First Year of the ' Reign of His late Majesty, intituled *An Act to regulate for One ' Year the Importation of Arms, Gunpowder, and Ammunition ' into Ireland, and the making, removing, selling, and keeping of ' Arms, Gunpowder, and Ammunition in Ireland*, and such Act, ' having been continued from Time to Time, will remain in force ' until the said Twenty-third Day of *July* in this present Year, ' and thenceforth until the End of the then next Session of Par- ' liament, and it is expedient that the said Act should be further ' continued;

' continued;' be it therefore enacted, ' That the said recited Act of the First Year of the Reign of His late Majesty shall be and the said Act is hereby continued, and shall be and remain in force for the Term of One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

C A P. XXVI.

An Act to continue Compositions for Assessed Taxes until the Fifth Day of *April* One thousand eight hundred and forty-three. [21st June 1841.]

' **W**HEREAS by an Act passed in the Third and Fourth Years of the Reign of Her Majesty, intituled *An Act to continue Compositions for Assessed Taxes until the Fifth Day of April One thousand eight hundred and forty-two*, the Compositions for Assessed Taxes entered into or renewed under the Authority of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth were continued until the Fifth Day of *April* One thousand eight hundred and forty-two, and it is expedient to continue the same for a further Term of One Year: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Contracts of Composition for the Duties of Assessed Taxes now in force shall be and the same are hereby continued in force for a further Term of One Year, to be computed from the Fifth Day of *April* One thousand eight hundred and forty-two, and to determine on the Fifth Day of *April* One thousand eight hundred and forty-three, under the same Rules, Regulations, and Privileges as if such Compositions did not by the Laws now in force expire before the last-mentioned Day; and all the Powers and Provisions of the several Acts relating to or continuing such Compositions, or for collecting or enforcing Payment thereof, shall be extended and applied to the Contracts of Composition continued under this Act, to all Intents and Purposes, as if the same had been herein repeated and re-enacted.

II. Provided always, and be it enacted, That this Act shall not extend to the Contract or Composition of any Person who shall be desirous of determining the same on the Fifth Day of *April* One thousand eight hundred and forty-two, and who shall on or before the Tenth Day of *October* One thousand eight hundred and forty-one give Notice thereof in Writing to the Assessor or Collector of the Parish or Place, or to the Surveyor acting in the Execution of the Acts relating to the Duties of Assessed Taxes for the District in which such Composition shall be payable.

3 & 4 Vict. c. 38.

4 & 5 W. 4. c. 54.

Compositions for Assessed Taxes continued for a further Term of One Year ending the 5th April 1843;

except in Cases where Parties shall give Notice to determine the same on the 5th April 1842.

C A P. XXVII.

An Act to enable Her Majesty's Commissioners of Woods to complete the Contract for the Sale of *York House*, and to purchase certain Lands for a Royal Park.

[21st June 1841.]

Lease to the
Duke of York,
26th Oct. 1810.

Mortgage,
14th Nov. 1811.

‘ **W**HEREAS by Indenture or Letters Patent under the Seal of the Court of Exchequer, bearing Date the Twenty-sixth Day of *October* One thousand eight hundred and ten, and made between His Majesty King *George* the Third of the one Part, and His Royal Highness *Frederick* Duke of *York* and *Albany*, deceased, of the other Part, all that Ground enclosed with Brick Walls, theretofore Part of His Majesty's Park called *Saint James's Park*, and lying and being in or near the Parish of *Saint Martin-in-the-Fields* in the County of *Middlesex*, therein particularly mentioned, together with the Messuage and Buildings erected on Part thereof, and all that Piece or Parcel of Ground being Part of His Majesty's said Park, called the *Green Park*, therein also particularly mentioned, were demised unto the said Duke of *York* for the Terms and under the Rents in the said Indenture mentioned: And whereas by an Indenture bearing Date the Fourteenth Day of *November* One thousand eight hundred and eleven, and made between the said Duke of *York* of the one Part, and *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* of the other Part, the said Hereditaments demised by the said Lease were assigned by the said Duke of *York* unto the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* for the Residue of the said Terms by the said Indenture of Lease granted, subject to a Proviso for Redemption thereof upon Transfer and Payment by the said Duke of *York*, his Heirs, Executors, or Administrators, to the Person or Persons, his, her, or their Heirs, Executors, Administrators, or Assigns, to whom as Principals or Securities the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* were then bound or otherwise liable for the Transfer or Payment of any Principal Sums on account of the said Duke of *York*, of all such Principal Sums as aforesaid, and of the Dividends and Interest to become due thereon, and also upon the said Duke of *York*, his Heirs, Executors, or Administrators, indemnifying the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* as therein mentioned, and also upon Payment or Transfer by the said Duke of *York*, his Heirs, Executors, or Administrators, into the Names of the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley*, of all such Sums or Dividends as the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* should at any Time thereafter, in consequence of their Liability, be called upon to transfer or pay, and should have actually transferred or paid, and also upon Payment by the said Duke of *York* to the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* of all such Sums of Money as were then or might thereafter become due and owing from the said Duke of *York* to the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley*,

' *morsley*, with Interest for the same respectively after the Rate
 ' and as therein mentioned: And whereas by another Indenture of
 ' Lease bearing Date the Fourth Day of *May* One thousand eight
 ' hundred and twenty-four, and made between His Majesty King
 ' *George* the Fourth of the First Part, the then Commissioners of
 ' His Majesty's Woods, Forests, and Land Revenues of the Second
 ' Part, and the said Duke of *York* of the Third Part, firstly, all
 ' that Piece of Ground situate, lying, and being in or near the
 ' Parish of *Saint Martin-in-the Fields* aforesaid, and on the South
 ' Side of a certain Place called the *Stable Yard*, within *Saint*
 ' *James's Palace*, and other the Hereditaments therein particu-
 ' larly mentioned; secondly, all that Piece or Parcel of Ground
 ' situate, lying, and being in or near the said Parish of *Saint*
 ' *Martin-in-the-Fields* aforesaid, on the East Side of the *Green*
 ' *Park* aforesaid, abutting and containing as in the said Indenture
 ' is mentioned, together with the Buildings thereon; thirdly, all
 ' that Piece or Parcel of Ground theretofore Part of the *Green*
 ' *Park* aforesaid, then lately enclosed from the said Park with Iron
 ' Rails, and then forming Part of the Garden of *York House*,
 ' situate, lying, and being on the East Side of the said Park,
 ' and within or near the said Parish of *Saint Martin-in-the-*
 ' *Fields*, abutting and containing as therein is mentioned (except
 ' as in the said Indenture is mentioned), were demised unto the
 ' said Duke of *York*, from the Tenth Day of *October* One thou-
 ' sand eight hundred and twenty-three, for the Term of Eighty-
 ' two and a Half Years, at the yearly Rents, and subject to the
 ' several Covenants, Provisoos, and Agreements thereby and
 ' therein reserved and contained: And whereas by an Inden-
 ' ture bearing Date the Third Day of *July* One thousand eight
 ' hundred and twenty-four, and made between the said Duke of
 ' *York* of the one Part, and the said *Charles Greenwood, Richard*
 ' *Henry Cox*, and *Charles Hammersley* of the other Part, the
 ' said Hereditaments demised by the aforesaid Indenture of Lease
 ' of the Fourth Day of *May* One thousand eight hundred and
 ' twenty-four were assigned by the said Duke to the said *Charles*
 ' *Greenwood, Richard Henry Cox*, and *Charles Hammersley* for
 ' the Residue then to come of the said Term of Eighty-two Years
 ' and a Half, for the further securing to the said *Charles Green-*
 ' *wood, Richard Henry Cox*, and *Charles Hammersley*, their Exe-
 ' cutors, Administrators, and Assigns, the Sum and Sums of Money
 ' then secured or which might thereafter be secured under or by
 ' virtue of the herein-before recited Indenture of the Fourteenth
 ' Day of *November* One thousand eight hundred and eleven,
 ' and the Interest thereof, and also subject to such and the same
 ' Right, Title, and Equity of Redemption, in respect of the Ground,
 ' Buildings, and Premises therein-before mentioned to be thereby
 ' assigned, as the Capital Messuage and Premises comprised in
 ' the said Indenture of the Fourteenth Day of *November* One
 ' thousand eight hundred and eleven was then or at any Time
 ' thereafter should be subject to, under or by virtue of such
 ' last-mentioned Indenture: And whereas by an Indenture bear-
 ' ing Date the Seventeenth Day of *March* One thousand eight
 ' hundred and twenty-six, and made between the said Duke of
 ' *York* of the First Part, the said *Charles Greenwood, Richard*
 ' *Henry*

Lease to the
 Duke of York,
 4th May 1824.

Mortgage,
 3d July 1824.

Surrender of
 Leases, 17th
 March 1826.

‘ *Henry Cox*, and *Charles Hammersley* of the Second Part, *Charles*
 ‘ *Arbuthnot*, *William Dacres Adams*, and *Henry Dawkins*, the
 ‘ then Commissioners of His Majesty’s Woods, Forests, and Land
 ‘ Revenues, of the Third Part, and His said Majesty King *George*
 ‘ the Fourth of the Fourth Part, it was witnessed, that in pur-
 ‘ suance of the Agreement in that Behalf therein mentioned the
 ‘ said Duke of *York*, and the said *Charles Greenwood*, *Richard*
 ‘ *Henry Cox*, and *Charles Hammersley*, did surrender unto His
 ‘ Majesty all those several Pieces or Parcels of Ground, with the
 ‘ several Erections and Buildings thereon, therein-before particu-
 ‘ larly mentioned and described, and all and singular other the
 ‘ Premises comprised in and demised by the said herein-before
 ‘ recited Indentures of Lease, with their Appurtenances, to the
 ‘ Intent that a new Lease might be granted by the Commis-
 ‘ sioners for the Time being of His Majesty’s Woods, Forests,
 ‘ and Land Revenues, on behalf of His Majesty, to the said Duke
 ‘ of *York*, of the said several Pieces or Parcels of Ground therein-
 ‘ before mentioned and described, with the Messuage or Dwelling
 ‘ House and other Buildings which had been then thereon erected,
 ‘ and together with a certain additional Piece of Ground and
 ‘ Premises therein mentioned; and it was by the Indenture now
 ‘ in recital agreed between the said Duke of *York*, and the said
 ‘ *Charles Greenwood*, *Richard Henry Cox*, and *Charles Ham-
 ‘ mersley*, that it should be lawful for the said Duke of *York* to assign
 ‘ the said Indenture of Lease so intended to be granted, and the
 ‘ Premises therein comprised, for all or any Part of the Term of
 ‘ Ninety-nine Years, by way of Mortgage, to any Person or
 ‘ Persons whomsoever, for securing any Sum or Sums of Money
 ‘ not exceeding in the whole the Sum of Thirty thousand Pounds,
 ‘ with Interest for the same, and that in the meantime and until
 ‘ such Mortgage should be made and executed (and subject to
 ‘ such Mortgage after the same should be made and executed)
 ‘ the said intended Lease, and the Premises therein comprised,
 ‘ should stand, remain, and be a good and valid Second Mort-
 ‘ gage and Security, and should be assigned unto the said *Charles*
 ‘ *Greenwood*, *Richard Henry Cox*, and *Charles Hammersley*, by
 ‘ way of Mortgage, for the Sum of Thirty thousand Pounds, Part
 ‘ of the Sum of Money therein mentioned to be then remaining
 ‘ due to them, with Interest for the same, as therein mentioned:
 ‘ And whereas by an Indenture of Lease bearing Date the Eigh-
 ‘ teenth Day of *March* One thousand eight hundred and twenty-
 ‘ six, and made between His said Majesty King *George* the Fourth
 ‘ of the First Part, the said *Charles Arbuthnot*, *William Dacres*
 ‘ *Adams*, and *Henry Dawkins*, as such Commissioners as afore-
 ‘ said, of the Second Part, and the said Duke of *York* of the
 ‘ Third Part, all the said Ground and Premises mentioned and
 ‘ comprised in the several Indentures of Lease herein-before men-
 ‘ tioned, and also the additional Piece of Ground by the De-
 ‘ scription therein mentioned, and the Messuage and other Build-
 ‘ ings and Hereditaments therein also mentioned, (except and
 ‘ reserved as therein is mentioned,) were demised to the said
 ‘ Duke of *York*, his Executors, Administrators, and Assigns,
 ‘ from the Tenth Day of *October* One thousand eight hundred
 ‘ and twenty-five for the Term of Ninety-nine Years, at the
 ‘ yearly

New Lease to
 the Duke of
 York, 18th
 March 1826.

' yearly Rents and subject to the Covenants and Agreements
 ' therein reserved and contained, and on the Part of the Tenants
 ' or Lessees thereof to be observed and performed : And whereas Mortgage,
17th May 1826.
 ' by an Indenture bearing Date the Seventeenth Day of *May* One
 ' thousand eight hundred and twenty-six, and made or expressed
 ' to be made between the said Duke of *York* of the one Part
 ' and Sir *Coutts Trotter* Baronet and *Edward Marjoribanks* of the
 ' other Part, the said Piece or Parcel of Ground, Messuage or
 ' Tenement, and Premises comprised in and demised by the said
 ' Indenture of Lease of the Eighteenth Day of *March* One thou-
 ' sand eight hundred and twenty-six, were demised by the
 ' said Duke unto the said Sir *Coutts Trotter* and *Edward Mar-*
 ' *joribanks*, their Executors, Administrators, and Assigns, from
 ' the Tenth Day of *October* One thousand eight hundred and
 ' twenty-five for the Term of Ninety-eight Years then next en-
 ' suing, subject nevertheless to a Proviso therein contained for
 ' Redemption of the said Hereditaments on Payment by the
 ' said Duke, his Heirs, Executors, or Administrators, unto the
 ' said Sir *Coutts Trotter* and *Edward Marjoribanks*, of the Sum
 ' of Thirty thousand Pounds, and Interest for the same after the
 ' Rate and on or at the Days and Times and in Manner therein
 ' mentioned : And whereas the said Duke of *York* signed a Agreement,
10th July 1826.
 ' Memorandum in Writing, bearing Date the Tenth Day of *July*
 ' One thousand eight hundred and twenty-six, and thereby (after
 ' stating that the Lords Commissioners of His Majesty's Treasury
 ' had advanced him the Two several Sums of Ten thousand Pounds)
 ' did engage, upon Request, to execute a Security for those Two
 ' Sums on his House and Premises in the *Stable Yard*, payable at
 ' the End of Six Months from the Date thereof, with Interest at
 ' Five *per Centum* ; and he did further agree, that in case their
 ' Lordships should pay off the existing Mortgage of Thirty thou-
 ' sand Pounds, and advance him the further Sums necessary to the
 ' Completion of his said House, and on Security thereof, that he
 ' would enter into an Engagement, in case he should be disposed
 ' to part with the same before the Money to be secured thereon
 ' should be paid off, but not otherwise, to give them the Option of
 ' purchasing, at a Valuation of Two indifferent Persons, One to be
 ' chosen by each Party ; and also, that in case he should not
 ' pay off the Money so to be secured in his Lifetime, then that his
 ' Representatives should offer his said House and Premises to the
 ' said Lords Commissioners for Sale upon the same Terms : And
 ' whereas the said Lords Commissioners advanced to the said
 ' Duke of *York* divers other Sums of Money, and for which
 ' Advances the said Duke of *York* signed Receipts, thereby
 ' acknowledging that he had received the same Sums respectively
 ' from the Lords Commissioners of His Majesty's Treasury on
 ' account of the Sum they had agreed to advance him for the
 ' Completion of his House in the *Stable Yard*, and for which he
 ' thereby acknowledged he was to give them Security thereon :
 ' And whereas the said Duke of *York* duly made and published Will, 26th De-
cember 1826.
 ' his last Will and Testament in Writing, bearing Date on or about
 ' the Twenty-sixth Day of *December* One thousand eight hundred
 ' and twenty-six, and thereof appointed Sir *Herbert Taylor* and
 ' Sir *Benjamin Charles Stephenson* Executors ; and the said Duke Death,
5th Jan. 1827.
 ' died

Assignment
of Mortgage,
31st March
1827.

‘ died on the Fifth Day of *January* One thousand eight hundred
‘ and twenty-seven without having revoked or altered his said Will,
‘ which was proved by the said Sir *Herbert Taylor* and Sir *Ben-*
‘ *jamin Charles Stephenson* in the Prerogative Court of the Arch-
‘ bishop of *Canterbury*: And whereas no Assignment by way of
‘ Mortgage for securing the said last-mentioned Sum of Thirty
‘ thousand Pounds and Interest upon the said Mansion and Pre-
‘ mises comprised in and demised by the herein-before recited In-
‘ denture of the Eighteenth Day of *March* One thousand eight
‘ hundred and twenty-six, pursuant to the Declaration for that
‘ Purpose contained in the herein-before recited Indenture of
‘ the Seventeenth Day of *March* One thousand eight hundred
‘ and twenty-six, was made to the said *Charles Greenwood*,
‘ *Richard Henry Cox*, and *Charles Hammersley*, or any of them:
‘ And whereas by an Indenture bearing Date the Thirty-first Day
‘ of *March* One thousand eight hundred and twenty-seven, and
‘ made between the said Sir *Coutts Trotter* and *Edward Marjori-*
‘ *banks* of the First Part, the said *Charles Arbuthnot*, *William*
‘ *Dacres Adams*, and *Henry Dawkins* of the Second Part, and the
‘ King’s most Excellent Majesty of the Third Part, after reciting
‘ the herein-before recited Indenture of Lease of the Eighteenth
‘ Day of *March* One thousand eight hundred and twenty-six, and
‘ the herein-before recited Indenture of the Seventeenth Day of
‘ *May* One thousand eight hundred and twenty-six; and that the
‘ said Principal Sum of Thirty thousand Pounds remained due upon
‘ the Security of the herein-before recited Indenture of Mortgage,
‘ with Interest for the same from the Day of the Date of the said
‘ Indenture of Mortgage, in consideration of the Sum of Thirty-
‘ one thousand one hundred and sixteen Pounds Nineteen Shillings
‘ and Eight-pence to the said Sir *Coutts Trotter* and *Edward Mar-*
‘ *joribanks* paid by the said *Charles Arbuthnot*, *William Dacres*
‘ *Adams*, and *Henry Dawkins* out of the Monies in their Hands
‘ arising from the Land Revenues of the Crown, the said Sir
‘ *Coutts Trotter* and *Edward Marjoribanks* did assign unto the
‘ said *Charles Arbuthnot*, *William Dacres Adams*, and *Henry*
‘ *Dawkins*, their Executors, Administrators, and Assigns, the
‘ said Hereditaments comprised in and demised by the said In-
‘ denture of Mortgage of the Seventeenth Day of *May* One thou-
‘ sand eight hundred and twenty-six, unto the said *Charles Ar-*
‘ *buthnot*, *William Dacres Adams*, and *Henry Dawkins*, their
‘ Executors, Administrators, and Assigns, for all the Residue of
‘ the said Term of Ninety-eight Years by the said Indenture of
‘ Mortgage granted therein as aforesaid, subject nevertheless to
‘ the same or the like Right and Benefit of Redemption as the
‘ said Premises were then subject to under or by virtue of the
‘ said Indenture of Mortgage; and the said Sir *Coutts Trotter* and
‘ *Edward Marjoribanks* did also assign unto the said *Charles*
‘ *Arbuthnot*, *William Dacres Adams*, and *Henry Dawkins*, their
‘ Executors, Administrators, and Assigns, the said Sum of Thirty
‘ thousand Pounds, so secured to them by the said Indenture of
‘ Mortgage of the Seventeenth Day of *May* One thousand eight
‘ hundred and twenty-six, and all Interest then due and payable
‘ or to become due and payable for or in respect of the same,
‘ upon Trust for the King’s Majesty, His Heirs and Successors:
‘ And

' And whereas by a Warrant under the Hands of Three of the
 ' Commissioners of His Majesty's Treasury, bearing Date the
 ' Eleventh Day of *December* One thousand eight hundred and
 ' twenty-seven, directed to the Commissioners of His Majesty's
 ' Woods, Forests, and Land Revenues, the said Commissioners of
 ' the Treasury authorized and required the said Commissioners
 ' of Woods, Forests, and Land Revenues to purchase, at the Price
 ' of Eighty-one thousand nine hundred and thirteen Pounds, the
 ' aforesaid Crown Lease dated the Eighteenth Day of *March* One
 ' thousand eight hundred and twenty-six and the Premises in the
 ' said Lease comprised, and to cause the said Lease and Premises
 ' to be vested in a Trustee for His Majesty, in order that such
 ' Trustee might thereafter assign the said Lease and Premises as
 ' the Commissioners for the Time being of His Majesty's Treasury
 ' should direct: And whereas the said *Charles Arbuthnot, William*
 ' *Dacres Adams*, and *Henry Dawkins*, as such Commissioners as
 ' aforesaid, agreed with the said Sir *Herbert Taylor* and Sir *Ben-*
 ' *jamin Charles Stephenson* (as such Executors as aforesaid) for
 ' the Purchase of the said Premises comprised in and demised by
 ' the said Indenture of Lease of the Eighteenth Day of *March* One
 ' thousand eight hundred and twenty-six, for the Sum of Eighty-
 ' one thousand nine hundred and thirteen Pounds, being the Value
 ' put upon the same Premises by Two Referees respectively ap-
 ' pointed to value the same on the Part of the said Commissioners
 ' of His Majesty's Woods, Forests, and Land Revenues and of the
 ' said Executors of the said Duke of *York*: And whereas, on or
 ' about the Fourteenth Day of *February* One thousand eight
 ' hundred and twenty-eight, the said *Charles Arbuthnot, William*
 ' *Dacres Adams*, and *Henry Dawkins*, as such Commissioners as
 ' aforesaid, in obedience to a Warrant from the said Commissioners
 ' of the Treasury, contracted with the late Duke of *Sutherland*
 ' for Sale to him, for the Sum of Seventy-two thousand Pounds,
 ' of the said Mansion and Premises which had been so agreed to
 ' be purchased by them of the Executors of the said Duke of
 ' *York*, as from the Twenty-fifth Day of *March* One thousand
 ' eight hundred and twenty-eight: And whereas on or about the
 ' Thirty-first Day of *January* One thousand eight hundred and
 ' twenty-seven the said *Charles Greenwood, Richard Henry Cox*,
 ' and *Charles Hammersley* filed their Bill in the High Court of
 ' Chancery on behalf of themselves and all other the Creditors of the
 ' said Duke of *York* who should come in and contribute to the Ex-
 ' pence of the said Suit against the said Sir *Herbert Taylor* and Sir
 ' *Benjamin Charles Stephenson* (as such Executors as aforesaid, and
 ' against Her Royal Highness the Princess *Sophia*, the said *Charles*
 ' *Greenwood, Richard Henry Cox*, and *Charles Hammersley* there-
 ' by claiming to be paid out of the Personal Estate of the said
 ' Duke of *York* (amongst other Sums) the said Sum of Thirty
 ' thousand Pounds, which was so due and owing to them the said
 ' *Charles Greenwood, Richard Henry Cox*, and *Charles Hammers-*
 ' *ley* at the Time of the Decease of the said Duke of *York*, as
 ' herein-before is recited, with an Arrear of Interest thereon: And
 ' whereas a Decree hath been made in the said Suit for taking
 ' the usual Accounts of the Estate and Effects of the said Duke

Treasury War-
 rant, 11th Dec.
 1827.

Contract of
 Sale, 14th Feb.
 1828.

Bill in Chan-
 cery, 31st Jan.
 1827.

' of

Death of Mr.
Greenwood,
25th Jan. 1832.

Bill in Chan-
cery, 9th Feb.
1832.

Decree,
25th July 1834.

Assignment,
18th June 1835.

of *York*, and the said Suit is still pending: And whereas the said *Charles Greenwood* departed this Life on or about the Twenty-fifth Day of *January* One thousand eight hundred and thirty-two, having duly made and published his last Will and Testament in Writing, bearing Date on or about the Twenty-sixth Day of *November* One thousand eight hundred and thirty, whereby he appointed the said *Charles Hammersley* the sole Executor thereof; and the same was duly proved by the said *Charles Hammersley* in the Prerogative Court of the Archbishop of *Canterbury* on the Third Day of *March* One thousand eight hundred and thirty-two: And whereas, before filing of the Bill in Chancery next herein-after recited, the Right and Interest of the said *Charles Greenwood* in and to the said Sum of Thirty thousand Pounds and Interest secured to the said *Charles Greenwood*, *Richard Henry Cox*, and *Charles Hammersley* as aforesaid, and the said Security for the same, became vested in the said *Richard Henry Cox* and *Charles Hammersley*, as surviving Partners of the said *Charles Greenwood*: And whereas on or about the Ninth Day of *February* One thousand eight hundred and thirty-two the said *Richard Henry Cox* and *Charles Hammersley* filed another Bill in the High Court of Chancery against the said *Charles Arbuthnot*, *William Dacres Adams*, and *Henry Dawkins*, Sir *Herbert Taylor*, and Sir *Benjamin Charles Stephenson*, the said Duke of *Sutherland*, and His Majesty's Attorney General, in order that it might be declared that by virtue of the Declaration to that Effect contained in the said Indenture of the Seventeenth Day of *March* One thousand eight hundred and twenty-six the said Sum of Thirty thousand Pounds and Interest so due to the said *Richard Henry Cox* and *Charles Hammersley* as aforesaid was charged as a Second Mortgage or Security on the said Premises comprised in the said Indenture of Lease of the Eighteenth Day of *March* One thousand eight hundred and twenty-six for the Term thereby demised, and otherwise as therein mentioned: And whereas by a Decree made in the last-mentioned Cause by the Master of the Rolls on the Twenty-fifth Day of *July* One thousand eight hundred and thirty-four it was ordered, by the Consent of all Parties to the said Suit, and His Majesty's Attorney General, by his Counsel, informing the Court, amongst other Things, that the Lords Commissioners of His Majesty's Treasury, on behalf of His Majesty, were desirous of paying off the Principal, Interest, and Costs therein-after directed, upon the Terms and Conditions therein-after mentioned, and to provide the necessary Funds for that Purpose, and had directed the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of His Majesty, out of the Funds of that Department, to advance and pay the same accordingly, it was ordered that the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, on behalf of His Majesty, should be at liberty to pay the Thirty thousand Pounds and Interest to the Plaintiffs in discharge of the Mortgage in the Pleadings mentioned: And whereas by an Indenture bearing Date the Eighteenth Day of *June* One thousand eight hundred and thirty-five, and made or expressed to be

made

‘ made between the said *Richard Henry Cox* and *Charles Hammersley* of the First Part, the said *Charles Hammersley* of the
‘ Second Part, *John William* Baron *Duncannon*, Sir *Benjamin*
‘ *Charles Stephenson*, and *Alexander Milne* of the Third Part,
‘ His Majesty’s Attorney General of the Fourth Part, and the said
‘ Sir *Herbert Taylor* and Sir *Benjamin Charles Stephenson* of the
‘ Fifth Part, after reciting, amongst other Things, to the Effect
‘ herein-before recited, and that there was then due in respect of
‘ the Interest which had accrued on the said Sum of Thirty thou-
‘ sand Pounds, by the said Decree ordered to be paid as aforesaid,
‘ the Sum of Thirteen thousand eight hundred and seventy-five
‘ Pounds, and which Sum of Thirteen thousand eight hundred and
‘ seventy-five Pounds and the said Sum of Thirty thousand Pounds
‘ amounted together to the Sum of Forty-three thousand eight hun-
‘ dred and seventy-five Pounds, and that in pursuance of the said
‘ Decree, and of such Direction of the said Lords Commissioners
‘ of His Majesty’s Treasury as aforesaid, they the said *John William*
‘ Baron *Duncannon*, Sir *Benjamin Charles Stephenson*, and *Alex-*
‘ *ander Milne*, as such Commissioners as aforesaid, had, out of the
‘ Funds of the Crown in their Department, paid to the said *Richard*
‘ *Henry Cox* and *Charles Hammersley*, with the Privy and Appro-
‘ bation of the said *Charles Hammersley*, as such Executor as
‘ aforesaid, the Sum of Forty-three thousand eight hundred and
‘ seventy-five Pounds in full for all Monies due on the Security of
‘ the said Indenture of the Seventeenth Day of *March* One thou-
‘ sand eight hundred and twenty-six, it was by the said Indenture
‘ now in recital witnessed, that in obedience to the said Decree the
‘ said *Richard Henry Cox* and *Charles Hammersley*, by the Di-
‘ rection of the Attorney General, did assign unto the said *John*
‘ *William* Baron *Duncannon*, Sir *Benjamin Charles Stephenson*,
‘ and *Alexander Milne* the said Principal Sum of Thirty thousand
‘ Pounds so secured by the Declaration contained in the said
‘ Indenture of the Seventeenth Day of *March* One thousand eight
‘ hundred and twenty-six, and all Interest then due or thereafter
‘ to become due thereon, in Trust for the King’s Majesty, His
‘ Heirs and Successors, and did also assign unto the said *John*
‘ *William* Baron *Duncannon*, Sir *Benjamin Charles Stephenson*,
‘ and *Alexander Milne* the said Mansion and Premises comprised
‘ in the said Indenture of the Eighteenth Day of *March* One
‘ thousand eight hundred and twenty-six, for all the Term of
‘ Years, Estate, and Interest to which, under or by virtue of the
‘ said Indenture of the Seventeenth Day of *March* One thousand
‘ eight hundred and twenty-six, or otherwise, the said *Richard*
‘ *Henry Cox* and *Charles Hammersley* were entitled therein, sub-
‘ ject to the said Indenture of Mortgage to the said Sir *Coutts*
‘ *Trotter* and *Edward Marjoribanks*, for securing the said Sum of
‘ Thirty thousand Pounds, and also subject to such Title and
‘ Equity of Redemption as the said Premises were then subject or
‘ liable to under or by virtue of the said Indenture of the Seven-
‘ teenth Day of *March* One thousand eight hundred and twenty-
‘ six, in Trust for the King’s Majesty, His Heirs and Successors:
‘ And whereas no Part of the several Sums of Money advanced
‘ by the Commissioners of the Treasury to the said Duke of *York*,
‘ or which were advanced for the Purpose of paying off the said
‘ Mortgages

‘ Mortgages or Charges as aforesaid, has yet been paid: And
 ‘ whereas the said Sir *Herbert Taylor* and the said Sir *Benjamin*
 ‘ *Charles Stephenson* have both departed this Life: And whereas
 ‘ the said late Duke of *Sutherland* by his Will (which was duly
 ‘ proved in the Prerogative Court of *Canterbury*), after certain
 ‘ specific Bequests, gave all his residuary Personal Estate to his
 ‘ Son *George Granville* now Duke and Earl of *Sutherland*, and
 ‘ appointed him sole Executor of his said Will: And whereas no
 ‘ Account hath been agreed on between the personal Represen-
 ‘ tatives of the said Duke of *York* and the Crown of the Monies
 ‘ due from the Estate of the said Duke of *York* in respect of the
 ‘ Rent of the said Leasehold Premises, and for the Principal
 ‘ Monies and Interest advanced by the Crown to the said Duke of
 ‘ *York*, and for the paying off the said Mortgages or Charges as
 ‘ aforesaid, and for the Principal Monies and Interest payable by
 ‘ the Crown to the personal Representatives of the Duke of *York*
 ‘ under the aforesaid Contract, for the Purchase of the aforesaid
 ‘ Crown Lease of the Eighteenth Day of *March* One thousand
 ‘ eight hundred and twenty-six, so agreed to be purchased for
 ‘ the Sum of Eighty-one thousand nine hundred and thirteen
 ‘ Pounds, and the Accounts between the personal Representatives
 ‘ of the said Duke of *York* and the Crown cannot be finally
 ‘ adjusted until the said Accounts shall have been taken, under
 ‘ the Sanction of the Court of Chancery in the said first-mentioned
 ‘ Suit: And whereas in the said Contract so entered into with the
 ‘ said late Duke of *Sutherland* it was agreed that until the said
 ‘ Contract should be completed the said Sum of Seventy-two
 ‘ thousand Pounds should be invested in the Purchase of Exche-
 ‘ quer Bills on the Account and for the Benefit of the Crown, and
 ‘ that the said late Duke of *Sutherland* should be let into Posses-
 ‘ sion of the said Capital Messuage and Hereditaments comprised
 ‘ in the said Lease, and accordingly the said Sum of Seventy-two
 ‘ thousand Pounds was so invested, and the late Duke of *Suther-*
 ‘ *land* was thereupon let into the Possession of the said Capital
 ‘ Messuage and Premises: And whereas by reason of the said
 ‘ Accounts between the Crown and the personal Representatives
 ‘ of the said Duke of *York* not having been adjusted the said
 ‘ Contract for the Purchase of the aforesaid Lease, and the Sale
 ‘ thereof in pursuance of the said Contract of the Fourteenth Day
 ‘ of *February* One thousand eight hundred and twenty-eight,
 ‘ cannot now be completed, but on the Part of the Crown a large
 ‘ Balance is claimed to be due to the Crown, after making Allow-
 ‘ ance for all Monies due from the Crown to the Estate of the
 ‘ said Duke of *York*: And whereas it is expedient that the said
 ‘ Contract for the Sale of the said Leasehold Mansion and Pre-
 ‘ mises so entered into with the late Duke of *Sutherland* should
 ‘ be forthwith completed, and that the Monies to arise from the
 ‘ Sale of the Exchequer Bills wherein the said Sum of Seventy-
 ‘ two thousand Pounds was invested, and all Accumulations thereof,
 ‘ should be applicable, as after mentioned, to the Purchase of
 ‘ certain Lands for a Royal Park: Now therefore may it please
 Your Majesty that it may be enacted; and be it enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons, in
 this

this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings for the Time being, by the Direction of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, or any Three or more of them, for the Time being, to complete the said Contract so entered into with the said late Duke of *Sutherland*, and for that Purpose to assign unto the said *George Granville* now Duke and Earl of *Sutherland*, as such Executor as aforesaid of the said late Duke of *Sutherland*, or unto other the personal Representative or Representatives of the said late Duke of *Sutherland* for the Time being, the said Capital Messuage or Tenement and other the Hereditaments and Premises comprised in the aforesaid Crown Lease of the Eighteenth Day of *March* One thousand eight hundred and twenty-six, for all the Residue which shall be to come of the Term of Ninety-nine Years thereby created, subject to the Payment of the Rent and Observance and Performance of the Covenants and Agreements in the same Indenture of Lease reserved and contained, and on the Part of the Lessee to be paid, observed, and performed, as from the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight, but freed and discharged from all Estate, Right, Interest, Lien, Claim, or Demand therein or thereupon by the personal Representative or personal Representatives for the Time being of the said Duke of *York*, or any Person or Persons interested or to be interested in the Administration of his Estate and Effects, on receiving the said Exchequer Bills, and all Accumulations thereon, and all Exchequer Bills wherein the same may have been invested; and the Acknowledgments of Her said Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings of the Receipt of the said Exchequer Bills and Monies shall be a sufficient Discharge to the said *George Granville* Duke and Earl of *Sutherland*, his Executors, Administrators, or Assigns, or other the personal Representative or Representatives of the said late Duke of *Sutherland*, to whom the said Premises shall be assigned, and also to all and every Persons and Person in whose Possession, Custody, or Power the said Exchequer Bills and Monies are or shall be.

Commissioners of Woods may assign the Lease of York House to the Duke of Sutherland.

II. And be it enacted, That it shall be lawful for all Persons in whom the said Messuage or Tenement and Premises comprised in the said Crown Lease of the Eighteenth Day of *March* One thousand eight hundred and twenty-six, or any Parts thereof, or any Interest therein, are or is or shall be vested, in Trust for the Crown, and they and he are and is hereby directed and required, to join in any Assignment of the said Crown Lease, as Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings shall order or direct; and that after such Assignment by the said Commissioners, and by such Trustees or Trustee for the Crown as aforesaid, and without any Assignment by the personal Representative or personal Representatives of the said Duke of *York*, the said Capital Messuage and Premises shall be absolutely vested at Law and in Equity in the said Duke of *Sutherland*, or other the Person or Persons to whom the said Capital Messuage and Hereditaments shall be so assigned by the said

Assignment by Trust.

said Commissioners as aforesaid, for all the Residue which shall be to come of the said Term of Ninety-nine Years created by the said Indenture of Lease of the Eighteenth Day of *March* One thousand eight hundred and twenty-six, freed from all Claim and Demand whatsoever of or by the personal Representative or personal Representatives of the said Duke of *York*, or of or by any Persons or Person interested or to be interested in the Administration of the Estate and Effects of the said Duke of *York*, and also freed and discharged from all Claims and Demands whatsoever of Her Majesty, Her Heirs and Successors (other than and in respect of the Rent, Covenants, Provisoos, or Agreements in the said Indenture of Lease reserved and contained, and on the Tenant's or Lessee's Part to be paid and performed, from and subsequent to the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-eight): Provided nevertheless, that notwithstanding any such Assignment so to be made to the said *George Granville* now Duke and Earl of *Sutherland*, or other the personal Representative or Representatives of the said late Duke of *Sutherland* as aforesaid, or any thing herein contained, the Rights or Interests of Her Majesty, Her Heirs or Successors, as against the Estate and Effects of the said Duke of *York*, and any Lien or Charge for the Payment of any Monies which are due or may ultimately be found due from the Estate and Effects of the said Duke of *York*, on taking such Accounts as aforesaid, shall in all respects (except as against the said *George Granville* Duke and Earl of *Sutherland*, or other the Person or Persons to whom such Assignment as aforesaid shall be made, and his, her, or their Executors, Administrators, or Assigns,) remain as if the said Assignment had not been made; and that the said Assignment so to be made as aforesaid shall not (except as against the said *George Granville* Duke and Earl of *Sutherland*, or other the Person or Persons to whom such Assignment as aforesaid shall be made, and his, her, or their Executors, Administrators, and Assigns) in anywise prejudice the Rights or Interests of the personal Representative or personal Representatives of the said Duke of *York*, or of any Person or Persons interested or to be interested in the Administration of the Estate and Effects of the said Duke of *York*, to any Monies which may be due from Her Majesty under the aforesaid Contract for the Purchase of the said Crown Lease; and that all Monies, if any, which may on a Balance of Accounts be found due from Her Majesty, Her Heirs or Successors, to the Estate of the said Duke of *York*, shall be no longer charged and chargeable on the aforesaid Crown Lease of the Eighteenth Day of *March* One thousand eight hundred and twenty-six, or the Messuage and Premises thereby demised, or any Part thereof, but all such Monies (if any) shall be chargeable and charged on the other Hereditary Land Revenue of the Crown, and shall be paid by Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings out of any Monies which may from Time to Time be at their Disposal; and that as regards the said Accounts between the Crown and the Estate of the said Duke of *York*, the same shall be taken and adjusted in all respects as if the said Crown Lease had not been assigned in pursuance of the Provisions of this Act, and as if this Act had not passed.

III. And be it enacted, That Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings for the Time being may, by the Direction of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, for the Time being, lay out all or any Part of the Money to arise from the Sale of the said Exchequer Bills to be received as aforesaid on the Assignment of the said Messuage and Hereditaments to be assigned as aforesaid in the Purchase of certain Lands or Hereditaments containing about Two hundred and ninety Acres, with the several Houses and Buildings thereon, situate in the Parishes of *Saint John Hackney*, *Saint Matthew Bethnal Green*, and *Saint Mary Stratford-le-Bow*, or some or One of them, bounded on or towards the South-east by the *Stour* Navigation otherwise *Sir George Duckett's Canal*; on or toward the North-east by a Lane or Road called "*The Old Ford Lane*, or *Wick Lane*;" on or towards the North by *Hackney Wick*; on or towards the North-west by *Grove Street Lane* and *Grove Street, Valentine Corner*, and by Lands belonging to *Sir John Cass's* Charity and *Saint Thomas's* Hospital; on or towards the West by Lands late the Property of *Nathaniel Fenn*, *John Scott*, and others, and by the Regent's Canal; and including also a Piece or Parcel of Ground, with certain Erections and Buildings thereon, situate on or towards the South or South-west Side of the Regent's Canal, and called or known by the Name of *Bonnors Hall Field*; and such Lands and Hereditaments, when purchased, shall be conveyed and assured to Her Majesty, Her Heirs and Successors, and when so conveyed shall for ever thereafter be taken and be a Royal Park, by the Name of "*Victoria Park*," and Part and Parcel of the Possessions and Land Revenues of Her Majesty in right of the Crown; and all Laws, Provisions, and Regulations now in force or hereafter to be in force with respect to Royal Parks shall be taken to extend and apply to such Park, except that Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings for the Time being may, in such Manner as by Law is provided with regard to the Hereditary Revenues of the Crown (not being Royal Parks), lease any Part of the said Royal Park, not exceeding in the whole One Fourth Part, for the Purposes of the same being used as Sites for Dwelling Houses or ornamental Buildings, and the Offices and Gardens thereto to be annexed; and that all and whatsoever the Powers and Provisions with regard to Leases to be granted by Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, of the Hereditary Revenues of the Crown, shall extend to such Part or Parts of the said Park so to be leased as aforesaid.

Purchase of
Lands for a
Royal Park in
Parishes of
Hackney, &c.

IV. And be it enacted, That the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings may, by and out of the aforesaid Monies, by such Direction as is before mentioned with regard to such Purchase as aforesaid, lay out, plant, and enclose the said Park, and build any Lodge or Lodges or other ornamental Buildings therein, and in such Manner as they shall think fit, and may cause any of the Buildings which shall be on the Hereditaments so to be purchased to be pulled down, and apply the Produce of the Sale of the Materials in any of the Purposes aforesaid.

For laying out,
planting, &c.
the Park.

V. And

Application of
Surplus.

V. And be it enacted, That as regards the Surplus of any Monies to arise from the said Exchequer Bills, and which may not be applied for the Purposes aforesaid, the same shall be applied in the same Manner as Monies arising from the Income of the Land Revenues of the Crown are by Law applicable.

Powers of
10 G. 4. c. 50.
and 2 & 3 W. 4.
c. 1. extended
to this Act.

VI. And be it enacted, That all and singular the Powers and Provisions for enabling incapacitated Persons and Bodies Politic or Corporate to sell and convey to Her Majesty, Her Heirs and Successors, and the Provisions as to the Exemptions from Stamp Duty, which are contained or referred to in and by an Act passed in the Tenth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in England; and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, or in and by another Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled *An Act for uniting the Office of the Surveyor General of His Majesty's Works and Public Buildings with the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues; and for other Purposes relating to the Land Revenues*, or any of them, shall be taken to extend and apply to any Lands or Hereditaments which it may be necessary to purchase or lease under the Powers of this Act, and to all Deeds, Agreements, or other Contracts whatsoever which may be made in pursuance of the Powers of this Act.

C A P. XXVIII.

An Act to prevent Plaintiffs in certain frivolous Actions from obtaining their full Costs of Suit. [21st June 1841.]

3 & 4 Vict. c. 24.

‘ WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to repeal Part of an Act of the Forty-third Year of the Reign of Queen Elizabeth, intituled ‘An Act to avoid trifling and frivolous Suits in Law in Her Majesty's Courts in Westminster,’ and of an Act of the Twenty-second and Twenty-third Year of the Reign of King Charles the Second, intituled ‘An Act for laying Impositions on Proceedings at Law;’ and to make further Provisions in lieu thereof*, the said Act of the Forty-third of Elizabeth, so far as it relates to Costs in Actions of Trespass or Trespass on the Case, and so much of the said Act of the Twenty-second and Twenty-third of Charles the Second as relates to Costs in personal Actions, was repealed: And whereas it is expedient to remove all Doubt whether Plaintiffs in Actions which had been commenced, and wherein Verdicts had been returned before the passing of the said Act of the last Session for less Damages than Forty Shillings, may not still be entitled to their full Costs of Suit, contrary to the manifest Intention of the same;’ be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act of the last Session shall be and is hereby repealed, so far

Repeal of
3 & 4 Vict. c. 24.

far as the same repeals or may be deemed to repeal the said Statute of the Forty-third of *Elizabeth* or the said Statute of the Twenty-second and Twenty-third of *Charles* the Second, in respect to Actions wherein Verdicts had been returned before the passing of the said Act of the last Session.

as to Actions wherein Verdicts had been returned before it passed.

II. And be it enacted, and it is hereby enacted and declared, That no Plaintiff who had before the passing of the said Act of last Session obtained a Verdict for a less Amount of Damages than Forty Shillings shall now be entitled to full Costs, unless he was so entitled immediately before the passing of the said Act of last Session: Provided nevertheless, that if any such Plaintiff shall have proceeded, since the passing of the said last-mentioned Act, and before the Third Day of *May* One thousand eight hundred and forty-one, to tax his full Costs on any such Verdict so obtained for less than Forty Shillings, nothing in this Act contained shall deprive such Plaintiff of any Remedy thereon which he may now have for the Recovery thereof; but it shall be lawful for such Court or Judge, on the Application of any Defendant in such Action, to stay all the Proceedings on such Application, upon Payment of such Costs as such Court or Judge shall think fit.

Plaintiff's Costs in case of a Verdict for less than 40s.

C A P. XXIX.

An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-two, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-one.

[21st June 1841.]

[*This Act is the same, except as to Dates, as 3 & 4 Vict. c. 23.*]

C A P. XXX.

An Act to authorize and facilitate the Completion of a Survey of *Great Britain, Berwick upon Tweed, and the Isle of Man.*

[21st June 1841.]

WHEREAS several Counties in that Part of the United Kingdom called *England* have been surveyed by Officers appointed by the Master General and Board of Ordnance, and it is expedient that general Surveys and Maps of *England, Scotland, Berwick upon Tweed, and of the Isle of Man*, should be made and completed by Officers in like Manner appointed; and that the Boundaries of the several Counties in *England* and *Scotland*, and of *Berwick upon Tweed* and of the *Isle of Man*, should be ascertained and marked out: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, for the Purpose of enabling the Master General and Board of Ordnance to make and complete such Surveys and Maps of *England, Scotland, Berwick upon Tweed, and the Isle of Man*, in manner aforesaid, it shall and may be lawful for the Justices assembled at any Quarter Sessions, or Adjournment thereof, held in and for any County, Riding, or Division in *England, Scotland, Berwick upon*

Justices at Quarter Sessions to appoint Persons to assist in ascertaining the Boundaries of Counties, Cities, Boroughs, &c.

Tweed, and the *Isle of Man*, upon the Application in Writing of any Officer appointed by the Master General and Board of Ordnance for the Purposes of this Act, such Application to be transmitted to the Clerk of the Peace Fourteen Days at the least before the holding of the Court at which such Application shall be considered, who shall cause Notice of such Application to be inserted in the Newspapers in which County Advertisements are commonly inserted Seven Days at the least before the holding of such Court, to nominate and appoint One or more fit and proper Person or Persons to aid and assist, when required, any Officer appointed as aforesaid in examining, ascertaining, and marking out the reputed Boundaries of each County, City, Borough, Town, Parish, Burghs Royal, Parliamentary Burghs, Burghs of Regality and Barony, Extra-parochial and other Places, Districts, and Divisions, in *England, Scotland, Berwick upon Tweed*, and the *Isle of Man*; and such Person shall from Time to Time act under and obey such Directions as he shall receive from the Officer or other Person appointed by the Master General and Board of Ordnance to make such Surveys and Maps as aforesaid: Provided always, that if any Person shall produce any false, forged, untrue, or fabricated Appointment, every such Person shall forfeit and pay the Sum of Fifty Pounds.

Fabricated
Appointments.

Surveyor, &c.
empowered to
enter Lands to
fix Boundaries.

II. And be it enacted, That for the Execution of the Purposes of this Act it shall and may be lawful for any Person appointed by the Justices as aforesaid, and for any other Person acting in aid and under the Orders of such Person, and for any Officer or Person appointed by or acting under the Orders of the Master General and Board of Ordnance, and they are hereby respectively authorized and empowered, from Time to Time, after Notice in Writing of the Intention of entering shall have been given to the Owner or Occupier, as the Case may be, to enter into and upon any Estate or Property of any County, or of any Body Politic or Corporate, Ecclesiastical or Civil, or into and upon any Land, Ground, or Heritages of any Person or Persons whomsoever, for the Purpose of making and carrying on any Survey authorized by this Act, or by the Order of the Master General and Board of Ordnance, and for the Purpose of fixing any Mark or Object to be used in the Survey, or any Post, Stone, or Boundary Mark whatsoever, and to fix and place any such Object, Post, Stone, or Boundary Mark in any such Estate or Property, Land or Ground, or Heritages, and to dig up any Ground, for the Purpose of fixing any such Object, Post, Stone, or Boundary Mark, for such Object or Purpose, and also to enter upon any Estates or Property, Lands, Grounds, or Heritages, through which any such Person appointed by the Justices as aforesaid, and any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, shall deem it necessary and proper to carry any Boundary Line for the Purposes of this Act, at any reasonable Time in the Day, until the surveying, ascertaining, and marking out of any reputed Boundary Line shall be completed according to the Directions of this Act: Provided always, that in every Case in which it shall be necessary to any Person appointed by the Justices as aforesaid, for any Officer or other Person appointed by and acting under the

Where it is
necessary to fix
any Mark in
any Garden, &c.

Orders

Orders of the Master General and Board of Ordnance, or his or their Assistant or Assistants, to fix any such Object, Post, Stone, or Boundary Mark within any walled Garden, Orchard, or Pleasure Ground, such Person appointed by the Justices aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, or his or their Assistant or Assistants, shall give Three Days Notice to the Occupier of such Garden, Orchard, or Pleasure Ground, of his Intention so to do, and it shall be lawful for such Occupier to employ any Person whom he may think fit to fix such Object, Post, Stone, or Boundary Mark within such Garden, Orchard, or Pleasure Ground, at such Time, in such Place or Places, and in such Manner as such Person appointed by the Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, or his or their Assistant or Assistants, shall direct: Provided also, that such Person appointed by the Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, or his or their Assistant or Assistants, and Workmen, shall do as little Damage as may be in the Execution of the several Powers to them granted by this Act, and shall make Satisfaction to the Owners or Occupiers (as the Case may require) of such Lands, Grounds, and Heritages, or Owners of Trees, (as the Case may require,) which shall be any way hurt, damaged, or injured, for all Damages to be by them sustained in or by the Execution of all or any Powers of this Act, in case the same shall be demanded: Provided always, that in case of Dispute between the said Person appointed by the Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, on the one hand, and the Owner or Occupier (as the Case may be), on the other hand, as to the Amount of Damage sustained, the same shall be ascertained and determined by any Two or more Justices in Petty Sessions assembled of the County in which the Lands, Grounds, Heritages, or Trees may be situate: Provided always, that any Owner or Occupier as aforesaid, who shall think himself aggrieved by the Decision of the Justices, may appeal against such Decision to the Justices of the said County in Quarter Sessions assembled, who shall hear and determine such Appeal, and shall increase or diminish the Amount of Damages awarded by the Justices in Petty Sessions, and shall award Costs for or against the Appellant, as the Justice of the Case shall seem to them to require: Provided always, that such Appeal shall be prosecuted at such Quarter Sessions as shall be holden not less than Twenty-one Days nor more than Four Calendar Months after the Decision of the Justices in Petty Sessions: Provided further, that any Person so appealing shall give Notice to the Clerk of the said Justices in Petty Sessions, within Seven Days of their Decision, of his Intention to appeal against their Decision, and shall enter into sufficient Recognizance to prosecute such Appeal.

III. And be it enacted, That the Amount of the Damages for which Compensation is provided under this Act shall, in *Scotland*, be ascertained and determined by the Sheriff or Steward of the County or Stewartry, whose Decision in the Matter shall

the Occupier may employ a Person to fix it.

Satisfaction to be made for Damages.

Appeal to Quarter Sessions.

Sheriffs in Scotland to settle the Amount of Compensation.

be final and conclusive, and not subject to Review, by Suspension, Advocation, Reduction, or otherwise.

Clerk of the Peace of each County shall deliver to Surveyor a List of all the Cities, Towns, Boroughs, Parishes, &c. within the County, on Penalty of 10*l*.

IV. And be it enacted, That the Clerk of the Peace of each and every County shall, within Twenty-one Days after he shall be thereunto required in Writing by any Person appointed by the Justices as aforesaid, or by any Officer or other Person appointed by and acting under the Master General and Board of Ordnance, prepare and deliver to such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, a List containing the Names and Descriptions of the several Hundreds, Cities, Boroughs, Burghs, Towns, Parishes, or other Places within such County; and each such Clerk of the Peace shall be paid by the said Board adequate Remuneration for his Trouble, and for any Expences incurred by him in pursuance of such Requisition; and if any Clerk of the Peace shall refuse or neglect or omit to make or deliver such List, in compliance with the Request of such Surveyor, every such Clerk of the Peace so offending shall forfeit a Sum not exceeding Ten Pounds and not less than Two Pounds, in the Discretion of the Justice or other Judge, Officer, or Court before whom such Offender shall be convicted.

Clerk of the Peace shall attend Surveyor on Twenty Days Notice of defining the Boundaries of Counties, &c.

V. And be it enacted, That for the Purpose of surveying, ascertaining, and marking out the reputed Boundaries of any such County, it shall be lawful for any such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance within such County, and such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, is hereby authorized and empowered, by Notice in Writing signed with his Name, and directed and delivered to any such Clerk of the Peace, to require the Attendance of any and every such Clerk of the Peace in or for any and every such County, or in or for any adjoining County, either in the same or any adjoining County, at such Time (not being less than Twenty-one Days after the Date of such Notice) and at such Place as shall be specified in such Notice, and to produce to such Person appointed by such Justices as aforesaid, or such Officer or other Person appointed by and acting under the Master General and Board of Ordnance, any Books, Maps, Papers, or other Documents, in his Custody or Possession as such Clerk of the Peace, which such Person may require for the Purpose of carrying this Act into execution, at which Time and Place every such Clerk of the Peace shall and he is hereby required to attend upon such Person accordingly, and to aid and assist such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Execution of this Act; and in case it shall happen that there shall not be any Clerk of the Peace for any such County or adjoining County, or being such any such Officer shall omit or neglect to attend at the Time and Place mentioned in any such Notice, then and in such Case it shall be lawful for any such Person appointed by such Justices as aforesaid,

On Failure of Clerk of the Peace attending, Two Inhabitants may be required to attend.

or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, by like Notice, to require any Two or more Inhabitants of any such County to attend in the Place and Stead of such Clerk of the Peace; and every such Inhabitant to whom any such Notice shall be directed and delivered shall and he and they is and are hereby required to attend upon such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, accordingly, and to assist such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Execution of the Purposes of this Act: Provided always, that no Clerk of the Peace shall be obliged to attend as herein directed at such Time or at such Place or in such Manner as shall interfere with the proper Discharge of his ordinary Duties as Clerk of the Peace, nor shall he be called upon to produce any Books, Maps, Papers, or other Documents, the Production of which can in any way injuriously affect the Interests of each such County.

VI. And be it enacted, That it shall be lawful for any such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, at the Time mentioned in any such Notice, accompanied by the Clerk of the Peace for the County the reputed Boundaries of which are to be defined and marked out, and by the Clerk of the Peace of any County adjoining thereto, or by such Inhabitants as aforesaid, and such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, Clerk of the Peace, and other Persons, is and are hereby authorized and required to perambulate the Boundaries of such County, for the Purpose of surveying, ascertaining, and marking the same, according to the best of their Power and Information; and for that Purpose it shall be lawful for such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, Clerk of the Peace, and other Persons, to call on any Inhabitant of any such Counties to assist them in so doing; and when it shall appear to such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, that the reputed Boundaries of any such County are sufficiently ascertained, such Boundaries shall be marked out by such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in such Manner as may be necessary, by the putting down of any Posts, Blocks, or Bolts of Wood, Metal, or Stone, or by the affixing of any Marks on or against any Church, Chapel, Bridge, House, or other public or private Building or Post, and with such distinguishing Letters or Figures as such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the

Boundaries of the Counties to be ascertained, &c., and marked out by Posts, Stones, &c.

Master General and Board of Ordnance, shall think fit and proper for the Occasion.

Penalty on removing or defacing Boundary Stones, &c.

VII. And be it enacted, That if any Person not duly authorized shall take away, remove, or displace, or alter the Situation of any Boundary Stone, Post, Block, Bolt, or Mark which shall be set up and placed for the Purposes of this Act, or shall wilfully deface, mutilate, break, or destroy any such Boundary Stone, Post, Block, Bolt, or Mark, every Person so offending shall forfeit and pay a Sum not exceeding Ten Pounds and not less than Two Pounds, in the Discretion of the Justice, or other Judge, Officer, or Court before whom such Offender shall be convicted.

Penalty on obstructing Survey, &c.

VIII. And be it enacted, That if any Person shall wilfully obstruct or hinder any Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Execution of his Duty in or about the ascertaining and marking out of the Boundaries of any County under the Provisions of this Act, or shall in any way resist such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Performance of his Duty under this Act, or shall obstruct, hinder, assault, or resist any Clerk of the Peace, or any Workman or other Person acting in aid of any such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance in the Execution of this Act, every Person so offending shall forfeit and pay a Sum not exceeding Ten Pounds and not less than Two Pounds, in the Discretion of the Justice or other Judge or Officer before whom such Offender shall be convicted.

Allowance to Parties, &c. attending to point out Boundaries.

IX. And be it enacted, That every Person who shall, in pursuance of Notice from any Person appointed by such Justices as aforesaid or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, attend and accompany any other Person appointed by such Justices as aforesaid, or any Officer or such Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the ascertaining, surveying, and marking out the Boundary of any County under the Provisions of this Act, shall receive, and shall be entitled to receive, for his Trouble and Loss of Time, such Sum of Money or Allowance as the Master General and Board of Ordnance shall think fit, for every Day during which such Person shall be employed by or engaged with such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Execution of this Act, upon a Certificate to be signed by such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance.

Payments for Damage how to be made.

X. And be it enacted, That the Amount of Damage sustained by the Occupiers of Grounds, Lands, Heritages, or Owners of Trees, as aforesaid, and the Allowance to be made to the said Person appointed by such Justices as aforesaid, or any Officer or other

other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, and to such other Persons as aforesaid, shall be paid by the Board of Ordnance out of the Aids granted to such Board by Parliament.

XI. And be it enacted, That if any Clerk of the Peace, or other Person, who shall be summoned or required in manner hereinbefore directed, by any Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, to attend such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, in the Execution of this Act, shall refuse or neglect or omit to attend such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, or shall refuse or neglect or omit to inform and point out, to the best of his Knowledge, to such Person appointed by such Justices as aforesaid, or any Officer or other Person appointed by and acting under the Orders of the Master General and Board of Ordnance, the Boundaries of any County, or shall wilfully make any false Statement or Mis-statement with respect to any such Boundaries, or shall wilfully refuse or neglect or omit to give any Information in the Power of such Clerk of the Peace or other Person to give or afford with respect to any such Boundaries, every such Clerk of the Peace or other Person so offending shall forfeit and pay a Sum not exceeding Ten Pounds and not less than Two Pounds, in the Discretion of the Justices, or other Judge, Officer, or Court before whom such Offender shall be convicted.

Penalty on Parties, &c. not attending, or not pointing out Boundaries.

XII. And be it enacted, That this present Act, or any Clause, Matter, or Thing herein contained, shall not extend, or be deemed or be construed to extend, to ascertain, define, alter, enlarge, increase or decrease, nor in any way to affect, any Boundary or Boundaries of any County, City, Borough, Town, Parish, Burghs Royal, Parliamentary Burghs, Burghs of Regality and Barony, Extra-parochial and other Places, Districts, and Divisions, by whatsoever Denomination the same shall be respectively known or called, nor the Boundary or Boundaries of any Land or Property, with relation to any Owner or Owners, or Claimant or Claimants of any such Land respectively, nor to affect the Title of any such Owner or Owners, or Claimant or Claimants respectively, in or to or with respect to any such Lands or Property, but that all Right and Title of any Owner or Claimant of any Land or Property whatever within any Hundred, Parish, or other Division or Place whatever, shall remain to all Intents and Purposes in like State and Condition as if this Act had not been passed; any Description of any such Land, with reference to any such Hundred, Parish, or other Division or Place whatever, or otherwise, or any thing in this Act contained, or any Law, Custom, or Usage, to the contrary in anywise notwithstanding.

Act not to affect any Boundaries or Rights of Property.

XIII. And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act shall and may be recovered in a summary Way by the Order and Adjudication of any Two Justices

Recovery of Penalties before Two Justices of the Peace,

Sheriff, Deem-
sters, &c.

Justices of the Peace for the County or Place, or of the Sheriff or Court of Deemsters, in which such Penalty shall be incurred, on Complaint to them for that Purpose exhibited, and shall afterwards be levied, as well as the Costs of such Proceedings, in case of Nonpayment, by Distress, Poining, or other legal Process, and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justices and of such Sheriff, or Hand and Seal of the Court of Deemsters, or other legal Process; and such Justices, Sheriff, and Court respectively are hereby authorized and required to summon before them any Witness or Witnesses, and to examine such Witness or Witnesses upon Oath (or Affirmation), of and concerning all Offences, Penalties, and Forfeitures under this Act, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant or other legal Process shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned, upon Demand, to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices, Sheriff, or Court respectively to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress or Poining, or other legal Process, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, Sheriff, or Deemsters, for his or their Appearance before such Justices, Sheriff, or other proper Officers, on such Day or Days as shall be appointed for the Return of such Warrant of Distress or Poining, or other legal Process, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justices, Sheriff, or Deemsters respectively are hereby empowered to take by way of Recognizance, Caution, or otherwise; but if upon Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any Two Justices of the Peace for such County or Place as aforesaid, or for such Sheriff or Deemsters, and they are hereby authorized and required, by Warrant under their Hand and Seal, or under the Hand of such Sheriff, or other legal Process, to cause such Offender or Offenders to be committed to the Gaol of such County or Place, there to remain, without Bail or Mainprize, for any Term not exceeding Two Calendar Months, unless such Penalties or Forfeitures respectively, and all reasonable Charges, shall be sooner paid and satisfied; and such Penalties and Forfeitures, when so levied, shall be paid and applied to the Use of any Infirmary or charitable Institution in the said County in which such Offence shall be committed, in such Manner as such Justices, Sheriff, or Deemsters respectively shall direct and appoint.

Application.

Plea of General Issue.

XIV. And be it enacted, That if any Person shall be sued or prosecuted for any thing done or executed in pursuance of this Act, or of any Clause, Matter, or Thing herein contained, such Person may plead the General Issue, and give the special Matter in Evidence, for his Defence.

XV. And

XV. And be it enacted, That in construing this Act the Word "County" shall be taken to include Hundred, City, Borough, Town, Parish, Burghs Royal, Parliamentary Burghs, Burghs of Regality and Barony, Extra-parochial and other Places, Districts, and Divisions, by whatsoever Denomination the same respectively shall be known or called; and that the Words "Clerk of the Peace" shall be taken to include any Person executing the Duties of Clerk of the Peace, Sheriff Clerk, Sheriff Clerk Depute, and Steward Clerk Depute, Churchwarden, parochial or any public Officer, of any County, Ward, Parish, Hundred, Wapentake, Division, or Districts in *England, Scotland, or Berwick upon Tweed*, and Setting Quest and Moors of any Parish and the Great Inquest of every Sheading in the *Isle of Man*; and that every Word importing the Singular Number shall, when necessary to give full Effect to the Enactments herein contained, be deemed to extend and be applied to several Persons or Things as well as one Person or Thing; and that every Word importing the Masculine Gender shall, when necessary, extend and be applied to a Female as well as a Male.

Interpretation
Clause.

XVI. And be it enacted, That in *Scotland* the Sheriff Clerk shall, instead of the Clerk of the Peace, perform the Duties hereby imposed upon the Clerk of the Peace in reference to *England*, of furnishing the Lists of Burghs, Cities, Towns, Parishes, Wards, Districts, Divisions, and Places within any County, and shall be liable in the Penalties hereby imposed in case of Neglect or Refusal so to do.

Sheriff's Clerk
in Scotland to
furnish Lists.

XVII. And be it enacted, That in *Scotland* the Sheriff shall, as regards the Boundaries of the County, and the Wards, Districts, Parishes, and other Divisions thereof, upon Application made to him by the Officer appointed by the Master General and Board of Ordnance for that Purpose, appoint a fit and proper Person or Persons to attend the Officer appointed by the Master General and Board of Ordnance, to point out such Boundaries, and aid him in the Execution of this Act: Provided always, that as regards the Boundaries of any Royal or Parliamentary Burgh, City, or Town, the Magistrates and Council thereof shall, upon Application made to them by the Officer appointed by the Master General and Board of Ordnance as aforesaid, appoint a fit and proper Person or Persons to attend him for the Purposes aforesaid; and if any of the Persons to be so appointed by the Sheriff and Magistrates and Council respectively, and accepting the Appointment, shall neglect or refuse to attend and aid in the Execution of this Act in the Manner herein required, such Persons shall be liable in the Penalties hereby imposed upon the Clerk of the Peace or other Person neglecting or refusing so to do in *England*.

Sheriff and
Magistrates of
Burghs in Scot-
land to appoint
Persons to at-
tend the Sur-
veyor.

XVIII. And be it enacted, That all the Powers in this Act contained shall cease and determine on the Thirty-first Day of *December* One thousand eight hundred and forty-six.

Duration of
Act.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be
amended, &c.

C A P. XXXI.

An Act to provide for the Surrender of Premises formerly used for Court Houses, but no longer used for that Purpose, in *Ireland*. [21st June 1841.]

6&7 W.4. c.116.
s. 88.

Committee of Grand Jurors may be appointed to contract for the Surrender of Premises, comprising former Court Houses no longer used.

The Person entitled to the Rent, and the present annual Value of the Premises, to be ascertained by a Jury before a Judge of Assize.

‘ **W**HEREAS by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, it was among other things provided, that it might be lawful for any Grand Jury, without any previous Application to a Presentment Sessions, to present that any Sum not exceeding One thousand Pounds shall be raised off any County, and paid to the Lessor in any Lease of Premises held for any public Purposes, or the Representatives of such Lessor, as a Consideration for accepting a Surrender of such Lease: And whereas it is expedient to make more ample Provision for the like Purpose;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Grand Jury of any County, (for a Court House of which County any Premises were formerly used which are now used no longer for that Purpose, but are held at a Rent which has been hitherto paid by means of Presentments of the Grand Juries of such County,) at any Assizes to be holden for such County in the present Year, or in the Year One thousand eight hundred and forty-two, or in the Year One thousand eight hundred and forty-three, to appoint a Committee, consisting of not less than Five and not more than Seven of such Grand Jury as aforesaid, for the Purpose of effecting the Surrender of such Premises; and it shall be lawful for such Committee, or the major Part of them, or of the Survivors of them, to enter into an Agreement in Writing with the Person entitled to such Rent and to the Reversion of such Premises, to the Effect that the said Premises shall be valued, and that a Surrender thereof shall be effected, as directed by this Act; and such Agreement shall be thereupon deposited with the Clerk of the Crown for such County, and a true Copy, certified by such Clerk of the Crown, shall be deposited with the Sheriff of such County One Month before the then next Assizes; and at such Assizes a Jury shall be impannelled before the Judges of Assize for such County, or one of them, consisting of Persons summoned to try Issues of Nisi Prius at such Assizes, and shall try and inquire who is the Person entitled to such Rent and Reversion, and what Rent is payable for the same and every Part thereof, by or on the Part of such County or the Grand Jury thereof, or any Trustee for such County or Grand Jury, and for what Term or Estate the said Premises are held, and in whom the same are vested in Trust for or on behalf of such County or the Grand Jury thereof, and what is the annual Value of such Premises, estimated at the Rent at which the same might be reasonably expected to let for the Term or Interest in respect of which such Rent is payable; and the Finding of such Jury shall be entered upon Parchment, and filed with the Clerk of the Crown of such County,

County, and kept by him among the County Records; and in case such Jury shall not find that the Person by or on behalf of whom such Agreement shall be entered into under the Provisions of this Act is entitled to such Rent and Reversion, no further Proceedings shall be taken under this Act founded on such Agreement.

II. And be it enacted, That it shall be lawful for any Guardian, Husband, or Committee of any Infant, Feme Covert, Idiot, or Lunatic to apply, if he shall think fit, in a summary Way, by Petition to Her Majesty's Court of Chancery or Exchequer in *Ireland*, for Leave to enter into any Agreement or Agreements under this Act; and the Court shall have Power to inquire into the Propriety of giving such Leave, and to make such Order on any such Petition as to the Court shall seem meet; and if the Court shall give such Leave as aforesaid, then it shall be lawful for the Person who shall have presented the Petition to enter into any such Agreement or Agreements, and the same shall be as binding and effectual, to all Intents and Purposes whatsoever, as if the Person giving the same had been the sole absolute Proprietor of the Land, Premises, or Rent, and Reversion, in respect of which such Agreement or Agreements shall be entered into.

III. And be it enacted, That it shall be lawful for such Committee, or the major Part of them, to agree with the Person entitled to such Rent and Reversion for the Surrender of such Premises, for any Sum which the said Committee, or the major Part of them, shall deem reasonable, not exceeding Twenty Years Purchase of the Amount of the Difference between such yearly Value to be so found by such Jury and the Amount of the Rent at which such Premises shall be so held; and it shall be lawful for the Grand Jury of such County, at the same Assizes at which such Finding shall be had, or at the next ensuing Assizes, to consider such Agreement as last aforesaid, and to approve or reject the same, and, if they shall think fit, to present, with the Approbation of the Judges of Assize, or one of them, the Sum so agreed on and the Costs and Expences of any necessary Proceedings for carrying this Act into execution in relation to such Premises; and such Sum shall be paid or lodged, as by this Act directed, by the Treasurer of such County, as directed by the said Committee; and upon Payment of the Sum so agreed on to the Person who by such Finding of the Jury shall be found so entitled to such Rent or Reversion, or on the Payment or Lodgment thereof in Court as herein-after directed, such Rent shall cease, and the Estate or Interest in respect of which such Rent is now payable shall vest in such Person so interested as aforesaid, as if the same were duly surrendered to him, or in some Person as a Trustee for him, to be named for that Purpose in such Agreement as last aforesaid; and such County, and the Grand Jury thereof, and any Person who is or heretofore was the Lessee of such Person on behalf of or in Trust for such County or the Grand Jury thereof, and his Heirs, Executors, and Administrators, shall thenceforth be exonerated from all Liability to such Rent, or any Covenants contained in any Lease of such Premises: Provided always, that it shall be lawful for such Commissioners to pay or cause to be paid the Amount so agreed to be paid as aforesaid into the Court in which any

Guardians, Husbands, and Committees of Infants, Femes Covert, and Lunatics empowered to contract, with Leave of the Court of Chancery.

Committee empowered to agree for the Surrender of the Premises; the Amount to be paid for such Surrender not to exceed 20 Years Purchase of the Difference between the yearly Rent of the Premises and the annual Value found by the Jury.

The Amount may be paid into the Court in which the

Petition shall
be presented.

Committee not
to be personally
liable.

Interpretation
Clause.

Act may be
amended, &c.

any such Petition shall be presented, on which Petition any such Order shall be made, and to lodge the same to the Credit of the Matter or the Cause in which such Order may be made, to be dealt with as to such Court shall seem meet, according to the Interests of the Parties entitled to such Rent and Reversion; and such Payment and Lodgment shall be deemed a valid Payment in pursuance of such Agreement as last aforesaid: Provided also, that such Committee as aforesaid, or any Member or Members thereof, shall not be personally answerable or liable in any Manner upon or by reason of any such Contract or Agreement.

IV. And be it enacted, That whenever this Statute hath used Words importing the Singular Number or the Masculine Gender only, it shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

C A P. XXXII.

An Act to amend an Act to extend the Practice of Vaccination.
[21st June 1841.]

s & 4 Vict. c. 29.

Expences of
Vaccination to
be defrayed
out of the Poor
Rates.

Vaccination
declared not to
be Parochial
Relief.

‘ WHEREAS an Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to extend the Practice of Vaccination*; but no express Provision was thereby made for defraying the Expences of carrying the same into execution;’ be it therefore declared and enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be and be deemed to have been lawful for the Guardians of every Parish or Union in *England* and *Ireland*, and the Overseers of every Parish in *England*, by whom the Contracts for Vaccination may respectively be or have been made under the Provisions of the said Act, to defray the Expences incident to the Execution of the said Act out of any Rates or Monies which may come or may have come into their Hands respectively for the Relief of the Poor.

II. And be it further declared and enacted, That the Vaccination, or Surgical or Medical Assistance incident to the Vaccination, of any Person resident in any Union or Parish, or of any of his Family, under the said Act, shall not be considered to be Parochial Relief, Alms, or charitable Allowance to such Person, and that no such Person shall by reason of such Vaccination or Assistance be deprived of any Right or Privilege, or be subject to any Disability or Disqualification whatsoever.

C A P. XXXIII.

An Act to amend the Acts for regulating Turnpike Roads in *England*, so far as they relate to certain Exemptions from Toll.

[21st June 1841.]

‘ WHEREAS Doubts are entertained whether, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, and of several other Acts amending the same, Asses, Beasts, or Cattle, other than Horses, or Waggon, Carts, or Vehicles, other than Carriages, which shall only cross any Turnpike Road, or shall not pass above One hundred Yards thereon, are exempted from Tolls: For the Removal therefore of such Doubts, be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Toll shall be demanded or taken for or in respect of any Horse, Ass, Sheep, Swine, or other Beast or Cattle, of any Kind whatsoever, or of any Waggon, Cart, Vehicle, or other Carriage, of any Kind whatsoever, which shall only cross any Turnpike Road, or shall not pass above One hundred Yards thereon.

Toll not to be taken for Carts, &c. crossing Roads or passing not above 100 Yards thereon.

II. And be it enacted, That all and every the Powers, Provisions, Authorities, Penalties, and Forfeitures contained in the said recited Act, and in the several other Acts for regulating Turnpike Roads in *England*, (save and except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act, and that the said recited Act and this Act shall be construed together as One Act.

Extending Powers of former Acts to this Act.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to or affect any Road or Roads in the said recited Act mentioned to be exempted from the Provisions thereof.

Not to affect Road exempted by recited Act.

C A P. XXXIV.

An Act to explain and amend an Act of the Fifth Year of King *George* the Fourth, for repealing certain Duties on Law Proceedings in the Courts in *Great Britain* and *Ireland* respectively, and for better protecting the Duties payable upon stamped Vellum, Parchment, or Paper.

[21st June 1841.]

‘ WHEREAS by an Act passed in the Fifty-fifth Year of His late Majesty King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies, and Successions to Personal Estate upon Intestacies, now payable in Great Britain; and for granting other Duties in lieu thereof*, a Stamp Duty of Two Shillings and Sixpence was imposed (amongst others) upon Affidavits to be filed, read, or used in any of the Courts of Law or Equity at *Westminster*,

55 G. 3. c. 184.

5 G. 4. c. 41.

Repealing Provision in recited Act as to Stamp Duty upon certain Affidavits.

‘ *Westminster*, or of the Great Sessions in *Wales*, or of the Counties Palatine of *Chester*, *Lancaster*, and *Durham*, or before any Judge or Master or other Officer of any of the said Courts, or before the Lord High Chancellor, or the Lord Keeper or Commissioners of the Great Seal, sitting in Matters of Bankruptcy or Lunacy: And whereas by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled ‘ *An Act to repeal certain Duties on Law Proceedings in the Courts in Great Britain and Ireland respectively; and for better protecting the Duties payable upon stamped Vellum, Parchment, or Paper*, it was (amongst other things) enacted, that from and after the Tenth Day of *October* One thousand eight hundred and twenty-four the Stamp Duty payable upon, for, and in respect of Affidavits to be filed, read, or used in any Action or Suit in any of the said Courts of Law or Equity at *Westminster*, or of the Great Sessions in *Wales*, or of the Counties Palatine of *Chester*, *Lancaster*, and *Durham*, or before any Judge or Master or other Officer of any of the said Courts, or before the Lord High Chancellor, or the Lord Keeper or Commissioners of the Great Seal, sitting in Matters of Bankruptcy or Lunacy, should cease and determine: And whereas Doubts have been entertained whether under the said last-mentioned Statute the Stamp Duty of Two Shillings and Sixpence imposed upon Affidavits by and under the said first-recited Act was repealed, and had ceased and determined, in regard to all Affidavits whatsoever to be filed, read, or used in the said Courts, or before the Judges, Commissioner, or Officer therein mentioned, or only in regard to Affidavits to be filed and used in any Action or Suit: And whereas it is expedient and necessary that such Doubts should be forthwith put an end to and determined;’ be it therefore enacted and declared by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Stamp Duty of Two Shillings and Sixpence under and by virtue of the said first-recited Act imposed upon Affidavits to be filed, read, or used in any of the said Courts, or before the Judges, Commissioners of the Great Seal, or Officers of the said Courts, or any of them, shall be adjudged, deemed, and taken to have been repealed, and to have ceased, determined, and been put an end to, from the Time of the passing of the said second-recited Act, upon all Affidavits whatsoever, whether to be read, filed, or used in the said Courts, or before the said Judges, Commissioners, or Officers, in any Action or Suit, or otherwise howsoever; and that all Affidavits which shall or may have been read, filed, or used since the passing of the second-recited Act, in the said Courts, or before any Judge or Commissioner or Officer as aforesaid, without being stamped according to the Provisions of the said first-recited Act, shall be adjudged, deemed, held, and taken to have been lawfully and rightfully read, filed, and used, to all Intents and Purposes whatsoever, and as if no Stamp Duty had ever been imposed upon such Affidavits by the first-recited Act, or any other Act or Statute whatsoever.

II. Provided always, and it is hereby enacted and declared, That nothing in the said Act passed in the Third Year of the Reign of King *George* the Fourth or in this Act contained shall be held, deemed, taken, or construed to repeal any Part of the said Act passed in the Fifty-fifth Year of the Reign of King *George* the Third which imposes a Stamp Duty upon Affidavits, other than and except Affidavits to be filed, read, and used in the said Courts, and before the said Judges, Commissioners, and Officers herein particularly mentioned and declared.

Not to repeal
55 G. 3. c. 184.
imposing a
Duty on other
Affidavits.

C A P. XXXV.

An Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure. [21st June 1841.]

‘WHEREAS it is expedient to provide the Means for an adequate Compensation for the Rents, Fines, and Heriots payable to the Lords of Manors in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Payments, or any of them, and for facilitating the voluntary Enfranchisement of such Lands, and for improving such Tenure:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That “The Tithe Commissioners for *England* and *Wales*” for the Time being shall be the Commissioners for carrying this Act into execution; and that, should the same not be fully carried into effect before the Duties of the said Tithe Commissioners shall cease, it shall be lawful in such Case for One of Her Majesty’s Principal Secretaries of State to appoint any Number of fit Persons to be Commissioners to carry this Act into execution, in the Place of such Commissioners so ceasing to act, and at pleasure to remove any One or more of the Commissioners so appointed, so that the Number of Commissioners shall never exceed Three; and upon every Vacancy in the Office of Commissioner some other fit Person shall be appointed to the said Office in like Manner; and until such Appointment it shall be lawful for the remaining Commissioners or Commissioner to act as if no such Vacancy had occurred.

Appointment
of Commis-
sioners.

II. And be it enacted, That the Commissioners acting in the Execution of this Act shall be styled “The Copyhold Commissioners,” and shall have their Office in *London* or *Westminster*; and they, or any Two of them, may sit from Time to Time, as they deem expedient, as a Board of Commissioners for carrying this Act into execution; and the said Commissioners shall cause to be made a Seal of the same Board, and shall cause to be sealed or stamped therewith all Agreements and Awards or Apportionments confirmed by the said Commissioners in pursuance of this Act; and all such Agreements, Awards, Apportionments, and other Instruments proceeding from the said Board, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Board, shall be received in Evidence without any further Proof thereof;

Style of Com-
missioners.

To have a
Common Seal.

Instruments
sealed to be
received in
Evidence.

and

and no Agreement, Award, or Apportionment shall be of any Force unless the same shall be sealed or stamped as aforesaid.

Commissioners
to report to
Secretary of
State.

Annual Report
to be laid before
Parliament.

Power to ap-
point and re-
move Assistant
Commissioners,
Secretary, &c.
6&7W.4. c.71.

No Commis-
sioner to sit in
House of
Commons.

Operation of
Act as to Ap-
pointments
limited to Five
Years.

Salaries and
Allowances;

III. And be it enacted, That the said Commissioners shall from Time to Time give to any One of Her Majesty's Principal Secretaries of State such Information respecting their Proceedings, or any Part thereof, as the said Principal Secretary of State shall require, and shall once in every Year send to One of the Principal Secretaries of State a General Report of their Proceedings; and every Year such General Report shall be laid before both Houses of Parliament within Six Weeks after the Receipt of the same by such Principal Secretary of State, if Parliament be sitting, or if Parliament be not sitting then within Six Weeks after the next Meeting thereof.

IV. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to employ such of the Assistant Commissioners appointed under the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, and intituled *An Act for the Commutation of Tithes in England and Wales*, as they shall see fit, or to appoint a sufficient Number of other Persons to be Assistant Commissioners, and also a Secretary, Assistant Secretaries, and all such Clerks, Messengers, and Officers as they shall deem necessary, and to remove such Assistant Commissioners, Secretary, Assistant Secretaries, Clerks, Messengers, or Officers, or any of them, and on any Vacancy in any of the said Offices to appoint some other Person to the vacant Office; and the Persons so employed or appointed shall assist in carrying this Act into execution at such Places and in such Manner as the said Commissioners may direct: Provided always, that the said Commissioners shall not appoint more than Ten such Assistant Commissioners to act at any One Time, unless the Lord High Treasurer, or any Three or more of the Commissioners of Her Majesty's Treasury, of the United Kingdom of *Great Britain and Ireland*, shall, in the Case of each such additional Appointment, consent thereto: Provided further, that the Number of such Clerks, Messengers, and Officers shall be subject to the like Consent.

V. And be it enacted, That no Commissioner or Assistant Commissioner appointed as aforesaid shall during the Continuance of such Office be capable of being elected or of sitting as a Member of the House of Commons.

VI. And be it enacted, That no Commissioner or Assistant Commissioner, Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer Period than Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament; and after the Expiration of the said Period of Five Years, and the then next Session of Parliament, so much of this Act as authorizes such Appointment shall cease.

VII. And be it enacted, That the Salaries of the Commissioners, the Allowance to the Assistant Commissioners, and the Salary of the Secretary, Assistant Secretaries, Clerks, Messengers, and other Officers to be appointed under this Act, shall be from Time to Time regulated by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them: Pro-
vided

vided always, that the Salary of a Commissioner shall not exceed the Sum of Two thousand Pounds a Year, including any Salary to which he may be entitled under the said Act of His late Majesty King *William* the Fourth; nor the Allowance to an Assistant Commissioner the Sum of Three Pounds for every Day that he shall be actually employed or travelling in the Performance of the Duties of his Office, including any Allowance to which he may be entitled under the said Act; nor the Salary of the Secretary the Sum of Eight hundred Pounds a Year; and that the Salaries of the Assistant Secretaries, Clerks, Messengers, and other Officers shall be in fit Proportion: Provided also, that the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, may allow to any Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, Clerk, Messenger, or other Officer, any such reasonable travelling or other Expences as may have been incurred by him in the Performance of his Duties under this Act, in addition to his Salary or Allowance respectively.

VIII. And be it enacted, That the Salaries, Allowances, and travelling and other Expences of the Commissioners, Assistant Commissioners, Secretary, Assistant Secretary, Clerks, Messengers, and Officers as aforesaid, and all other incidental Expences of carrying this Act into execution not herein otherwise provided for, shall be paid by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

to be paid out
of Consolidated
Fund.

IX. And be it enacted, That every Commissioner shall, before he shall enter upon the Execution of his Office, make the following Declaration before One of the Judges of Her Majesty's Courts of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer; (that is to say,)

Declaration of
Commissioners,
&c.

' I [*A.B.*] do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of a Commissioner under an Act passed in the Fourth Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act.*]' And that every such Assistant Commissioner shall, before he shall enter upon the Execution of his Office, make the like Declaration (substituting the Words "Assistant Commissioner" for the Word "Commissioner") before such Judge or Baron, or before any Two Justices of the Peace for the County, Riding, Division, Liberty, or Jurisdiction wherein such Assistant Commissioner shall be resident at the Time of his Appointment, or before a Master Extraordinary in Her Majesty's High Court of Chancery; and the Appointment of every such Commissioner and Assistant Commissioner, with the Time when, and the Name or Names of the Judge, Baron, Justices, or Master Extraordinary before whom, he shall have made the Declaration as aforesaid, shall be forthwith published in the *London Gazette*.

X. And be it enacted, That the said Commissioners may delegate to their Assistant Commissioners, or to any One or more of them, such of the Powers hereby given to the said Commissioners as the said Commissioners shall think fit, except the Power to confirm Agreements, Awards, or Apportionments, or to frame Forms of Agreements and other Instruments, as herein-after provided,

Commissioners
may delegate
Powers, &c.

or to do any Act herein required to be done under the Seal of the said Commissioners; and the Powers so delegated shall be exercised under such Regulations as the said Commissioners shall direct; and the said Commissioners may at any Time recall or alter all or any of the Powers delegated as aforesaid, and, notwithstanding the Delegation thereof, may act as if no such Delegation had been made; and all Acts done by any such Assistant Commissioner in pursuance of such delegated Powers shall be obeyed by all Persons as if they had proceeded from the said Commissioners, and the Non-observance thereof shall be punishable in like Manner.

In case the Lord or Tenant of a Manor shall be under Disabilities.

XI. And be it enacted, That whenever the Lord or Tenant of a Manor, or any Person interested in any Question or Right connected with any Commutation or Enfranchisement under this Act, shall be a Minor, Idiot, Lunatic, Feme Covert, or under any other legal Disability, or shall be beyond the Seas, the Guardian, Trustees, Committee of the Estate, Husband, or Attorney of such Person respectively, or in default thereof, or in case the Party interested shall be unknown or not ascertained, then such Person as may be nominated for that Purpose by the said Commissioners under their Hands and Seal, after due Inquiry shall have been made by them, as to the Fitness of such Person, shall for the Purposes of this Act be substituted in the Place of such Lord, Tenant, or other Person: Provided always, that if any Lord, Tenant, or other Person interested as aforesaid shall be a Trustee for charitable Purposes, and the annual Value of the Charity Estate shall exceed Fifty Pounds, such Trustee shall not sign any Agreement or Power of Attorney, or join in any Proceedings under this Act, without an Order of Her Majesty's High Court of Chancery, to be applied for by Petition; but on such Order being obtained, or if the annual Value of the Charity Estate shall not exceed Fifty Pounds, such Trustee may sign any Agreement or Power of Attorney, and otherwise join in any Proceedings under this Act, as if he had been beneficially interested in such Charity Estate.

Agent may be appointed by Power of Attorney.

XII. And be it enacted, That it shall be lawful for any Lord or Tenant of a Manor, or any other Person interested in any Commutation under this Act, by a Power of Attorney given in Writing under his Hand, or in the Case of a Corporation Aggregate under the Common Seal of such Corporation, from Time to Time to appoint an Agent to act for him in carrying into execution the Provisions of this Act; and all Things which by this Act are directed or authorized to be done by or in relation to any Person may be fully done by or in relation to the Agent so duly authorized of such Person; and every such Agent shall have full Power, in the Name and on behalf of his Principal, to concur in and execute any Agreement and vote in any Question arising out of the Execution of this Act, and make any Inspection and sign any Notice of Objection under the Provisions of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a Copy thereof authenticated by the Signature of Two credible Witnesses, shall, at the first Meeting under the Act attended by such Attorney

Attorney under such Power, or whenever requested by the Chairman or by any other interested Party present at such Meeting, be delivered to the Chairman for the Time being, and the same or any like Copy shall be appended to every Agreement executed by any such Attorney, and shall be sent with it to the Office of the said Commissioners as herein-after provided: Provided always, that if any Person having made such an Appointment shall deliver Notice in Writing, or under a Common Seal, (as the Case may require,) of the Revocation thereof, to the Chairman at any such Meeting, no Act which shall be done by the Person so appointed after the Delivery of such Notice, without a fresh Appointment, shall bind the Principal; and any such Power may be in the Form following:

Revocation of
Power of
Attorney.

‘ Manor of _____ in the County of _____ . Form of Power
‘ [A.B. of, &c., Lord [or Copyholder, Customary Tenant, or of Attorney.
‘ Freeholder, as the Case may be,] of the said Manor, do
‘ hereby appoint C.D. of, &c., to be my lawful Attorney, to act
‘ for me in all respects as if I myself were present and acting in
‘ the Execution of an Act passed in the Fourth Year of the
‘ Reign of Her present Majesty, intituled [here insert the Title
‘ of this Act]. Dated this _____ Day of _____ One thou-
‘ sand eight hundred and _____ .

‘ (Signed) A.B.’

XIII. And be it enacted, That any Lord or Lords of any Manor whose Interest shall not be less than One Fourth of the whole annual Value of such Manor, or any Tenant or Tenants of any Manor to the Number of Ten, or when there shall not be so many Tenants as Ten, then One Half of the Tenants of such Manor, may call a Meeting of the Lords and Tenants of such Manor, by Notice thereof in Writing under his or their Hands, to be affixed at least Twenty-one Days before such Meeting on the principal outer Door of the Church of the Parish within the Limits of which the said Manor or the greater Part thereof in Value extends, or on the Door or on some conspicuous Part of some House or Building wherein the Courts for the said Manor are usually held, and to be twice at least within such Twenty-one Days inserted in some Newspaper (or once in each of Two Newspapers published in successive Weeks) generally circulated in the County within which the said Manor or the greater Part thereof in Value extends, for the Purpose of making an Agreement for the general Commutation of the Rents, Fines, and Heriots thereafter to become due in respect of Lands holden of such Manor, and of the Lord's Rights in Timber; and every Lord and Tenant attending such Meeting shall bear his own Expences of Attendance; and the Lord and Tenants who shall be present at any such Meeting called as aforesaid, such Tenants not being less in Number than Three Fourths of the Tenants of such Manor, and the Interest of the Lord and the Interest of the Tenants in the Manor and Lands respectively not being less than Three Fourths of the Interest in the Value thereof respectively, computing the Interest of Tenants as herein-after is provided, may proceed to make and execute such an Agreement as is herein-after mentioned for the Commutation of the Rents, Fines, and Heriots thereafter to become due in respect of the Lands holden

Meetings may
be called of
Lords or Ten-
nants of Manors,
on Twenty-one
Days Notice,
for the Purpose
of agreeing on
Terms of Com-
mutation;

whereat the
Lord and Three
Fourths in
Number of the
Tenants and
Three Fourths
in Value of the
Interests in the
Manor may
agree for the
Commutation
of Rents, &c.

holden of the said Manor, and, of the Lord's Rights in Timber; and if expressly agreed between such Lord and Tenants, the Commutation may be made to extend to Rights in Mines and Minerals, but otherwise shall not extend to or affect such Rights; and thereupon such Agreement shall be reduced into Writing, and a Memorandum or Minute thereof shall be signed by the Persons so agreeing to such Commutation, or by their respective Agents.

Terms on which
Agreements
may be made.

XIV. And be it enacted, That such Agreement for a Commutation of the Rights of the Lord may be for the Payment of an annual Sum by way of Rent-charge, and of a small fixed Fine upon Death or Alienation, which shall in no Case exceed the Sum of Five Shillings, such Rent-charge to commence, either in whole or in part, according as the said Commissioners shall direct, from the Date herein-after mentioned (except where otherwise directed by the said Commissioners), and to be valued and variable (when such Rent-charge shall exceed Twenty Shillings) according to the Price of Corn, in like Manner as is mentioned and provided with regard to the Tithe Commutation Rent-charge in and by the said Act for the Commutation of Tithes in *England* and *Wales*; and the Amount of every such Rent-charge may be specifically stated in such Agreement, or separate Rent-charges may be therein agreed upon between the Lord and any One or more Tenants, Parties to the Agreement, or the Agreement may provide that the entire Rent-charge, though stated therein, shall be subject to Increase or Diminution by the Valuers to be appointed as herein-after mentioned to such an Amount *per Centum* as shall be therein expressed, or that such separate Rent-charges as aforesaid shall be subject to Increase or Diminution to a given Amount *per Centum*, in certain Events to be specified in the Agreement; and the Agreement may also determine the Apportionment for each Tenant, or it may provide that the entire Rent-charge, or the Apportionment thereof, shall be fixed by such Valuers, subject to the Approbation of the said Commissioners; and it may be agreed that so much of the Rent-charge to be apportioned as aforesaid in respect of the Lands of any Tenant, as shall be in lieu of Fines, or other Manorial Rights to which such Tenant would not be liable thereafter during his Tenancy, shall not commence until the Period of the next Act or Event on which a Fine or such other Manorial Right would have become payable or due, and that the Amount of such Rent-charge shall be then increased accordingly; but such Agreement shall not fix the Time for the Commencement of the Rent-charge to be apportioned in respect of the Lands of any Tenant who shall not be Party to such Agreement; and all other Provisions may be made for carrying into execution the Intention of the Parties and of this Act, so that nothing in such Agreement contained (unless every Tenant included therein shall be a Party thereto) shall exclude or prevent the Exercise of the Powers herein-after contained for apportioning the Rent-charge according to the particular Circumstances of each Tenement, and for the Relief of Tenants for Life and other Persons in the Cases herein-after provided for; and such Agreement may fix a Scale of Fees to be payable to the Steward from and after the Confirmation of the Apportionment,

but

but so nevertheless as not to affect the Interests of any Steward in Office at the Time of the passing of this Act who shall hold his Office for Life or during good Behaviour, or of any Steward of a Manor so in Office as aforesaid where the Usage shall have been such as in the Opinion of the said Commissioners to lead to a just Expectation that the Steward will hold his Office during his Life or good Behaviour; and such Agreement may provide for the Costs of the Proceedings under this Act; subject to the Approbation of the said Commissioners: Provided always, that in case of Doubt or Difference as to the Sufficiency of Interest of the Parties to any such Agreement the Decision of the said Commissioners thereon shall be conclusive; and every Agreement so made and executed, and confirmed in manner herein-after mentioned, shall be binding on all Persons interested in such Manor or Lands.

XV. And be it enacted, That such Agreement for a Commutation of the Rights of the Lord as aforesaid may also be for the Payment of a Fine on Death or Alienation, or at any fixed Period or Periods to be agreed upon by the Parties, every such Fine to be fixed by the Agreement or to be subject to Increase or Diminution by the Valuers, to be appointed as herein-after mentioned, to such an Amount *per Centum* as shall be expressed in such Agreement, but in either Case to be valued in Bushels of Wheat, Barley, and Oats in the same Manner as the Tithe Commutation Rent-charge, and to be subject, in like Manner as such Rent-charge, to Variation according to the Prices ascertained by the Advertisement provided for by the said Act for the Commutation of Tithes in *England* and *Wales*, to be published next before the Time of the happening of the Act or Event on which the Fine shall become payable.

Commutation may take place in consideration of a Fine on Death or Alienation, or at a fixed Period.

XVI. And be it enacted, That the said Lord and Tenants present at such Meeting shall elect a Chairman (the Vote of the Lord being reckoned as equal to One Third of the whole Number of Votes, and the Votes of the Tenants being reckoned individually), who shall forthwith proceed to ascertain the Number and Interest of the Lord and Tenants then present in Person or by their Agents; and in case it shall thereupon appear that the Persons present at such Meeting are not sufficient in Number and Interest, or a sufficient Portion are not willing to make and execute such an Agreement as shall be binding on all Persons interested therein, it shall be lawful, notwithstanding, for any Number of the Persons present to make and execute a provisional Agreement of the like Form and Tenor; and every such provisional Agreement which shall be executed within Six Calendar Months from the Day of such Meeting by such Persons as would have been sufficient in Number and Interest to make a binding Agreement at such Meeting shall be as binding as if the same had been sufficiently executed at such Meeting.

Provisional Agreements may be made.

XVII. And be it enacted, That the proportional Interest of the Tenants, so far as relates to their Power to make such Agreement or provisional Agreement, or to appoint Valuers, or to give any Notice to the said Commissioners or Assistant Commissioners, as herein-after provided, shall be computed in manner herein-after mentioned; that is to say, the Interest of every Tenant

Proportional Interest how to be computed for Purpose of voting.

liable to Fines arbitrary or uncertain in Amount shall be estimated according to the proportional Sum at which their Lands shall be rated to the Relief of the Poor in the Parish or Place wherein the same are situated, and, if any Lands shall not be distinctly rated, then in respect of such Lands according to the Rules by which Property of the same Kind is in the said Parish rated to the Relief of the Poor; and when such rating cannot be ascertained, then the Interest in respect thereof shall be estimated at such Proportion, not exceeding Two Thirds of the last Fine arbitrary paid on Admission to the said Lands, as the Chairman at the said Meeting shall consider nearest in Amount to the yearly Value of the same Lands; the Interest of Tenants liable to Fines certain shall be estimated according to such Rule as shall be specially made for the Occasion by the said Commissioners on the Application of the Lord or Tenants by whom the Meeting shall have been called, or, for Want of such Rule, as if the annual Value of their respective Lands were One Half of the Amount of such Fine certain; the Interest of Tenants liable to Heriots in Kind shall in respect of such Liability be estimated according to such Rate as shall be specially made for the Occasion by the said Commissioners on such Application as aforesaid, or for Want of such Rule at One Fifth of the annual Value of their respective Lands, as nearly as the same can be estimated by the Chairman at any such Meeting; and the Interest of no Person shall be computed in respect of a Copyhold Estate who has not been admitted Tenant thereof according to the Custom of the Manor, or who has made an absolute Surrender of all his Estate and Interest therein; and it shall be lawful for the said Commissioners to make special Rules respecting the Computation of the Interests of Tenants liable to Fines certain, Heriots, Rights in Timber, and other Manorial Rights (if any) which may be the Subjects of any proposed Commutation, on the Application or with the Consent of a Majority of the Parties interested, and previous to the Execution of any Agreement, and such Rules shall have the same Force as if made by this Act.

Meetings may
be adjourned,
Notice being
given.

XVIII. And be it enacted, That in case an Adjournment of the said Meeting shall for any Cause be desired by a Majority in Number of the Persons attending such Meeting in Person or by Attorney as aforesaid, the Chairman shall adjourn the Meeting to any Time and Place then by him to be declared, and so from Time to Time in case the same shall be in like Manner desired by a Majority in Number of the Persons attending such Meeting as aforesaid; and Notice of every such adjourned Meeting shall be given under the Hand of the Chairman, and shall be affixed in a conspicuous Place on the Outside of the Building in which such Meeting, or the last Adjournment thereof, shall have been holden, and shall be once advertised in a Newspaper as aforesaid; and the like Order of Proceeding shall be observed at every such adjourned Meeting; and every thing done at any such adjourned Meeting shall be as valid as if done at the original Meeting.

Date and Form
of Agreement.

XIX. And be it enacted, That every such Agreement shall bear Date on the Day on which the first Signature is attached thereto, or to the Memorandum or Minute thereof, and shall be in such Form as the Commissioners shall from Time to Time direct, or to the like Effect.

XX. And

XX. And be it enacted, That the said Commissioners shall frame and cause to be printed, so soon as conveniently may be after their Appointment or beginning to act, Forms of Notices and Agreements, and such other Instruments as in their Judgment will further the Purposes of this Act, and supply all or any of such Forms to any Person or Persons requiring the same, or to whom the said Commissioners shall think fit to send the same, for the Use of any Lord or Copyholder or other Tenant desirous of putting this Act into execution.

Commissioners to frame and circulate Forms, &c.

XXI. And be it enacted, That if any Action or Suit shall be pending touching the Right to or Amount of any Fines, Heriots, or other Manorial Rights, or touching the Situation or Boundary of any Manor or Lands, or if any Difference shall arise whereby the making and executing of any such Agreement, or of any Enfranchisement under this Act, shall be hindered, it shall be lawful for the Lord and Tenants or Claimants, being Parties to such Action, Suit, or Difference, to submit the same to Reference by any Writing under their respective Hands, containing an Agreement that such Submission shall be made a Rule of any of Her Majesty's Courts of Law, upon such Terms of Reference as the said Parties may agree upon; and the Decision of the Arbitrator or Arbitrators named in the said Reference shall be final and conclusive on all Persons; and when such Arbitrator or Arbitrators shall be appointed for the Purpose of determining any unknown or disputed Boundary of any Manor or Lands, he or they shall and may have and exercise all the Powers which may be exercised by any Referee appointed under and by virtue of the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled *An Act to authorize the identifying of Lands and other Possessions of certain Ecclesiastical and Collegiate Corporations*: Provided nevertheless, that no Person, being Owner of an Estate in a Manor or Lands less in the whole than an immediate Estate of Fee Simple or Fee Tail, or corresponding Copyhold Estate, shall be empowered to submit to any such Reference, so as to bind any Person in Reversion, Remainder, or Expectancy, without the Consent of the said Commissioners; and that it shall be lawful for the said Commissioners, if they shall think fit so to do, but not otherwise necessary, to direct that any Person in Reversion, Remainder, or Expectancy whom they shall deem to be interested therein shall be made a Party to such Reference.

Suits and Differences as to Rights or Boundaries may be referred to Arbitration.

2 & 3 W. 4 c. 86.

XXII. Provided always, and be it enacted, That in every Case in which any Manor or Lands shall be held under any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, or any Ecclesiastical or other Corporation, or any Body Politic, and in every Case in which any such Person, Ecclesiastical or other Corporation, or Body Politic, or Patron of any Living, shall be interested in any Manor or Lands to the Extent of One Third of the Value thereof, computed as to such Lands as aforesaid, or if it shall appear to the said Commissioners that the Interests of such Person, Ecclesiastical or other Corporation, or Body Politic, would be affected by the Commutation or Enfranchisement under this Act, no Agreement to be made and executed under this Act shall be deemed to be executed by the said Lord and Tenants unless the Consent of such Person, Ecclesiastical or other Corporation, or Body Politic

Consents to be required to Agreements.

shall be given under the Hand or Seal of the Person, Ecclesiastical or other Corporation, or Body Politic, or Patron of such Living giving the same; and such Consent shall be annexed to the Agreement for Commutation or Enfranchisement, and taken as Part thereof.

Agreements to
be confirmed by
the Commis-
sioners.

XXIII. And be it enacted, That every such Agreement, as soon as may be after it shall have been executed by the Lord and Tenants to the Number and Value as aforesaid, shall be sent by the Chairman of the Meeting, or by the Person in whose Custody it shall then be, to the Office of the said Commissioners; and the said Commissioners, by themselves or by some Assistant Commissioner, shall cause Inquiry to be made, and shall require such Proof as will be satisfactory to them, whether or not it ought to be confirmed; and if they shall be satisfied that it ought to be confirmed, the said Commissioners shall confirm the Agreement under their Hands and Seal, and shall add to such Agreement the Date of the Confirmation, and shall publish the Fact of such Confirmation, and the Date thereof, within the Manor, in such Way as they shall deem fit; and every such confirmed Agreement shall be binding on all Persons interested in the said Manor and on all Persons interested in the said Lands, and shall not be liable to be invalidated by reason of any Doubt or Question as to the Sufficiency in the Number and Interest of the Parties entering into such Agreement: Provided always, that it shall be lawful for the said Commissioners, by themselves or by some Assistant Commissioner, at their Discretion, if the Circumstances of the Case shall in their Opinion require it, to direct that the Rent-charge to be paid by any particular Tenant or Tenants shall not commence until the Period of the next Act or Event on which the Fine or other Manorial Right for which such Rent-charge shall be commuted would have become due and payable, and that the Amount of such Rent-charge shall be then increased in such Proportions as the said Commissioners or Assistant Commissioner shall think proper.

Appointment of
Valuers.

XXIV. And be it enacted, That at the said Meeting for Commutation, or at some Adjournment thereof, or at some other Meeting to be called in like Manner, either before or after the Confirmation of the Agreement, such Agreement not being an imperfect provisional Agreement, Valuers shall be appointed, in manner herein-after mentioned, for the Purpose of making such Valuations, Apportionments, and Schedules as shall be required for carrying the said Agreement into execution; and in case such Commutation shall be agreed to be made in consideration of a Rent-charge payable to the Lord, and fixed by the Agreement, the Tenants present at such Meeting shall appoint a Valuer or Valuers; and in case the Majority in respect of Number and the Majority in respect of Value (computed as aforesaid) shall not agree upon the Appointment, then they shall appoint Two or such other even Number of Valuers as shall be then agreed on by such Tenants, Half of such Number of Valuers to be chosen by a Majority in respect of Number and the other Half by a Majority in respect of Value (computed as aforesaid) of the Tenants then present in Person or by their Agents; but in case such Commutation shall be in consideration of a Rent-charge, the Amount whereof shall not be fixed by the Agreement, but shall be liable
to

to Increase or Diminution by the Valuers, or shall be left to be determined by them, with the Approbation of the said Commissioners, then and in either of the said Cases One Half of the Number of Valuers shall be appointed by the Lord, or the Majority of the Lords in Value, and the other Half by the Tenants in manner aforesaid, or such respective Parties may concur in the Appointment of One or more Valuer or Valuers; and any Question which may arise as to the Regularity of the Appointment of such Valuer or Valuers shall be decided by the said Commissioners.

XXV. And be it enacted, That as soon as may be after the choosing such Valuers, and after the Confirmation of the said Agreement, the said Valuers shall apply to the said Commissioners for Instructions as to the Duties to be performed by them pursuant to such Agreement, and having received such Instructions shall proceed to make and send in to the said Commissioners such Valuations, Apportionments, and Schedules as they shall require; and whenever an even Number of Valuers shall be chosen, it shall be lawful for the said Commissioners, by any Writing under their Hands and Seal, (to be communicated either together with or as soon as conveniently may be after the said Instructions,) to appoint a fit and proper Person to be an Umpire between such Valuers; and the Decision of the Umpire on the Questions in difference between the Valuers shall be binding on them respectively, and shall be adopted by them respectively in their Valuation. Valuation.

XXVI. And be it enacted, That the said Valuers and Umpires respectively (if as to such Umpires it shall become necessary for them to act respectively), and their Agents or Servants, at all reasonable Times, may, on producing an Authority under the Hand and Seal of the said Commissioners or Assistant Commissioners, enter upon any of the Lands and Premises affected by such Agreement, and make an Admeasurement, Plan, and Valuation or Inspection of the same, without being subject to any Action or Molestation for so doing: Provided always, that no Valuer or Umpire shall be capable of acting until he shall have made and subscribed before the said Commissioners or some Assistant Commissioner, or a Justice of the Peace or Master Extraordinary in Chancery, a solemn Declaration to the same Purport and Effect as the Declaration herein-before directed to be made by the said Commissioners, substituting only the proper Description of the Office held by such Person for that of a Commissioner; which Declaration it shall be lawful for the said Commissioners, Assistant Commissioner, Justice of the Peace, or Master Extraordinary to administer; and every such Declaration so made and subscribed shall be countersigned by the Person before whom the same shall have been made, and shall be sent by him to the Office of the said Commissioners. Valuers may enter on Lands, &c.

Not to act until they have made a Declaration.

XXVII. And be it enacted, That for the Purpose of enabling the said Valuers to make such Valuations, Apportionments, and Schedules, and otherwise to facilitate Commutations under this Act, the Steward of the Manor for the Time being shall, on Request by the said Valuers, or any of them respectively, or the Chairman of any Meeting or Adjournment thereof, or of any Three Tenants having signed the Notice of an intended Meeting, make out, so far as his Information may enable him, within such Stewards to furnish Information required by the Valuers or the Commissioners;
Period

and make a
Schedule or
Statement as the
Commissioners
may direct.

Stewards may
require Inform-
ation from
Tenants, &c.

Penalty on
Tenant for
Default.

Period and in such Manner as the said Commissioners shall direct, a correct Statement in Writing of the several Tenants of the said Manor, and of the respective Lands to which they shall respectively stand admitted for Life or otherwise, or which they shall hold subject to Fines, Heriots, or other Manorial Rights, and of the Amount to which the same Lands are rated to the Relief of the Poor, so far as he can distinguish or estimate the same, and of the Amounts received by the Lords on account of the Three last Heriots in respect of any such Lands, and of any other Information which the said Commissioners shall from Time to Time direct, and which as such Steward he can procure and produce without Prejudice to the Rights and Interests of the Lord of the said Manor; and the said Steward shall produce the said Statement for Inspection at any such Meeting or Adjournment thereof, on being paid for the same as herein-after provided, and shall deliver to or allow any Extracts thereof as to such Rating to be taken by the Chairman of such Meeting, and shall, upon Request by the said Valuers, and being paid as aforesaid, deliver to them respectively a true Copy of such Statement or the Parts thereof required by them; and for preparing such Statement the said Steward shall receive from the Person requiring the same such a Remuneration as shall have been agreed upon, or, in case of Difference, such a Sum as the said Commissioners shall under their Hands and Seal order and direct, and for Copies or Extracts thereof the Sum of Four-pence for every Seventy-two Words; and the said Steward for the Time being, or, if there shall be no Steward, the Lord, shall, within Three Calendar Months after the Signature of the said Agreement, or whenever required by the said Commissioners, make out and send to the said Commissioners such Information and in such Form as the said Commissioners shall from Time to Time require, and as the said Steward, or, if there shall be no Steward, the Lord, can procure and produce, without Prejudice as aforesaid; and for the Purpose of ascertaining the Ages of any Tenants it shall be lawful for the Steward or Lord to apply personally, or by Letter sent by Post, and addressed to the particular Tenant at his usual Place of Abode, for such Information, and every Tenant refusing or neglecting for the Space of Twenty-one Days to give such Information shall not be entitled to have any Amendment made in such Schedule by reason of any Error the Steward may commit in inserting such Age, or to object to the Apportionment herein-after mentioned by reason of such Misstatement of Age, unless the said Commissioners shall see Cause otherwise to direct; and any Tenant falsely stating his or her Age shall forfeit and pay such Sum, not exceeding the Sum of Ten Pounds, as the said Commissioners shall under their Hands order and direct, and which shall be added to the Amount to be payable by him or her under the Apportionment, and recoverable in like Manner, and applied in and towards the Costs of Apportionment or other Costs of Commutation as the said Commissioners shall direct, or shall be recoverable by Distress or Action as herein-after provided with respect to Costs payable under this Act; and the said Steward shall receive for the said Schedule, and the Expence of Application, as to Ages and Rates, such Sum as the said Commissioners shall think fit and proper to allow for the same,

same, with the other Costs of Apportionment; and in like Manner such Steward or Lord shall from Time to Time make out and send to the said Commissioners, upon Request, all Statements, Schedules, and Information which they shall from Time to Time require, from the Court Rolls, Quit Rentals, and other Documents of the like Nature; and in case Default shall be made by the Steward or Lord in complying with any such Request he shall forfeit such Sum and Sums, not exceeding the Sum of Five Pounds, as the said Commissioners shall from Time to Time in their Discretion order and direct, and which Sums shall be deducted from any Compensation to be awarded or Sum to be allowed to him under this Act.

XXVIII. And be it enacted, That when the said Valuers shall be so instructed by the said Commissioners, pursuant to such Agreement, they shall accordingly proceed in the Discharge of the Duty intrusted to them; and in every Case in which the Agreement shall have provided that the Rent-charge or (where the Commutation shall be for the Payment of a Fine on Death or Alienation) that the Commutation Fine shall be subject to Increase or Diminution by the Valuers, or that the Amount of the Rent-charge shall be fixed by them, the said Valuers shall proceed to determine, within the Limit prescribed by the Agreement, the Amount of Increase or Diminution, or shall ascertain the Amount to be paid by way of Rent-charge (as the Case may require); and the said Valuers shall afterwards, or where the Rent-charge shall be specifically stated in the Agreement, and shall not have been apportioned thereby, shall at once proceed to apportion the total Sum to be paid by way of Rent-charge; and in regulating the Amount of Rent-charge, and also in making such Apportionment, the said Valuers shall take into account the Facilities for Improvement and all other Circumstances relating to the Land which shall be included in such Commutation, and shall make due Allowance for the same; and shall also take into consideration the relative Situations of the Lord when Tenant for Life or having other limited Interest, and the respective Rights of such Lord and of those entitled in Remainder or Reversion to the Manor, and what Portion of such Rent-charge should be paid to such Lord, being Tenant for Life or having other limited Interest, and how the Residue thereof should be applied, and whether the whole of such Rent-charge, or whether only a Part thereof, should be paid to the Lord, being Tenant for Life or having other limited Interest in the Manor; and when the Tenant shall have only a Life Estate or other limited Interest in his Land it shall be lawful for the said Valuers to state what Proportion (if any) of the Rent-charge to be paid in respect of such Land should be deferred until the next Act or Event in which a Fine would become due to the Lord; and the said Valuers shall also state generally whether, and in what Cases, in their Opinion, the Payment of the Rent-charge, or of Part thereof, should be deferred, and shall state such other Particulars as may enable the said Commissioners to defer Payment of the whole Rent-charge, or of any Part thereof, if they shall think fit; and the said Valuers shall state the Amount of the Fine (not exceeding Five Shillings) to be thereafter payable upon Death or Alienation in respect of each Tenement; and they shall, if so instructed

Valuers to take particular Circumstances of each Case into consideration.

instructed by the Commissioners, make an Apportionment of the Costs of the Proceedings under this Act, subject likewise to the Approbation of the said Commissioners; and it shall also be lawful for the said Valuers to make such other Allowances as they shall deem just for the particular Circumstances of the several Tenements, so that such Allowances shall not be inconsistent with the said Agreement for Commutation, and the Instructions received from the said Commissioners.

Schedules of Valuation to be deposited for Inspection, and a Meeting appointed for hearing Objections.

XXIX. And be it enacted, That as soon as the Valuations, Apportionments, or Schedules to be so made by the said Valuers as aforesaid shall have been sent to the said Commissioners, they shall cause a Copy of the same to be deposited in the Hands of the Steward for the Time being of the Manor, or if there shall be no Steward with the Lord of the said Manor, or with such Person as they shall see fit, for the Inspection of all Persons interested therein within the Manor, or within a Parish wherein Part of the Manor is situated, and shall forthwith cause Notice to be given, through such Steward or Lord, or in such Manner as to the said Commissioners shall seem fit, of such Copy being so deposited for Inspection, and which Inspection shall at all reasonable Times, up to the Meeting after mentioned, be allowed by such Steward or Lord without Fee (and for every Neglect to allow which such Steward or Lord shall forfeit such Sum not exceeding Twenty Shillings as the said Commissioners shall order and direct, and which shall be deducted from the Sums payable to such Steward or Lord under this Act); and in such Notice such Place and Time, or Places and Times, shall be fixed as the said Commissioners shall think fit (the first not earlier than Twenty-one Days from the first giving such Notice) for holding a Meeting for hearing and determining Objections to the said Valuation, or the Amount of Costs claimed by the said Valuers, or to the said Steward's Schedule, by any Parties interested; and the said Commissioners or some Assistant Commissioner (to whom respectively such Steward or Lord shall on the Day before or previous to the Commencement of such first Meeting, as required, deliver such Copy of the said Valuations, Apportionments, or Schedules, with all Notices received, as herein-after provided,) shall at such Meeting or Meetings have determined any Objection which may then and there be made against the said Valuations, Apportionments, or Schedules respectively, or any Part thereof, or adjourn the further Hearing thereof, if they or he shall think proper, to a future Time, and may, if they or he shall see Occasion, direct any further Valuations, Apportionments, or Schedules, Inquiries or Statements, to be made, and from Time to Time fix further Meetings for the hearing and determining Objections, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed with regard to the original Meeting; provided that, unless upon Cause shown to the Satisfaction of the said Commissioners, no Person shall be entitled to make any Objection to any such Valuations, Apportionments, or Schedules, who, being the Lord of the said Manor, shall not have left Notice in Writing of such intended Objection at the Office of the said Commissioners Ten Days before the Time fixed for any such Meeting, exclusive of the Day of leaving such Notice,

but

Hearings may be adjourned.

but inclusive of the Day of Meeting, or who, being any Person other than the Lord of the said Manor, shall not have left Notice in Writing of such intended Objection with or for the Steward or Lord of the said Manor with whom such Copies shall be deposited, at the Place of Deposit thereof, Ten Days before the Time fixed for any such Meeting, exclusive of the Day of leaving such Notice, but inclusive of the Day of meeting, Forms of which Notices shall be forwarded by the said Commissioners to the said Steward or Lord or other Person, and shall be by him delivered to any interested Party requiring the same; and which last-mentioned Notices the said Steward or Lord or other Person shall, immediately on Receipt thereof, annex to such Copies or one of them, and shall note such Objection on the Copy to which the same relates, and allow the Inspection of the said Notices, in like Manner and under the like Penalty as aforesaid; and any Default in any of the several Matters and Things herein-before required shall also subject such Steward or Lord or other Person to the like Penalty; and when the said Commissioners or Assistant Commissioner shall have heard and determined all such Objections they and he are and is hereby required to cause such Valuations, Apportionments, or Schedules to be amended as Occasion shall require, and also from Time to Time, whether at such Meeting or not, to amend the Steward's Schedule, so as to show all Deaths and Alterations in Ages of the Tenants or otherwise taking place after making out the same, and before the Apportionment herein-after provided for, on being satisfied by the Affidavit or Declaration, as the Case may be, of the Steward, sworn or taken before a Master Extraordinary in Chancery, or by such other Proof as they or he may deem sufficient, that such Amendments and Alterations are required.

XXX. And be it enacted, That the Expences of the Proceedings for effecting any Commutation under this Act shall (except in Cases where from special Causes the said Commissioners shall direct otherwise, and then as they shall direct, and except in Cases where the Parties to the said Agreement shall therein otherwise provide, and then as they shall have provided,) be payable in manner following; (that is to say,) where the Valuers shall be appointed by the Tenants, the Costs of the Valuations, Apportionments, and Schedules shall be paid by the Tenants included in the Commutation, in rateable Proportion to the Sum charged on their Land respectively under and by virtue of this Act; but where the Valuers shall be appointed by the Lord and Tenants as aforesaid, then if not more than Two shall be appointed the Lord shall pay Half the Costs, and the Tenants as aforesaid shall pay Half; and where more than Two Valuers shall be appointed the Lord shall pay One Third, and the Tenants as aforesaid shall pay Two Thirds, and in all Cases of Dispute or Difference as to the Amount of the Costs, or the Persons on whom any Costs should fall, the said Commissioners shall have Power to decide the same.

XXXI. And be it enacted, That forthwith after the Receipt of the Valuations, Apportionments, or Schedules so settled, the said Commissioners shall cause a Schedule of Apportionment to be made, wherein shall be stated the Name or Description, and the true or estimated Quantity in Statute Measure, of the several Lands

Expences of
Proceedings
under the Act.

Schedule to be
made by the
Commissioners.

Lands to be comprised in the Apportionment, and shall set forth the Names and Descriptions of the several Proprietors and Occupiers thereof, and the Schedule of Apportionment shall also state the Amount of Rent-charge charged upon the said several Lands, or, where the Commutation shall be for a Fine payable on Death or Alienation, the Amount of Commutation Fine to become payable in respect thereof upon Death or Alienation, and the Periods at which the several Rent-charges shall become due and payable; and in Cases of Commutation for a Rent-charge such Schedule shall also state the Amount of Fine (not exceeding Five Shillings) to be thenceforth payable upon Death or Alienation in respect of each Tenement; and such Schedule shall further state to whom and in what Right the same shall be respectively payable; and the said Schedule shall contain all such other Awards, Orders, and Declarations as shall be required for carrying the Provisions of this Act into execution.

Schedule of Apportionment to be inspected, Errors pointed out, and Schedule then confirmed.

XXXII. And be it enacted, That the said Commissioners shall forthwith after making such Schedule cause a Copy thereof to be deposited with the Steward, Lord, or other Person as aforesaid, for Inspection, within the Manor, or within some Parish where Part of the Manor is situate, by any Parties interested, and give Notice of such Power to inspect, and which Inspection during such Period as the said Commissioners shall direct shall be allowed as aforesaid, under the Penalty aforesaid, recoverable as aforesaid; and at the Expiration of that Period the said Steward, Lord, or other Person as aforesaid shall return the same Copy or Copies to the said Commissioners, together with any Notice he may have received during that Period, pointing out any Errors therein, and a Statement of any Errors which he may have discovered therein; and the said Commissioners shall forthwith inquire into and rectify any such Errors therein, and shall cause the said Schedule of Apportionment to be ingrossed on Parchment or Paper, and annex thereto any Agreements, Schedules, Maps, Plans, or other Documents or Writings required for Elucidation thereof, and shall confirm such Apportionment under their Hands and Seals, and shall add thereto the Date of such Confirmation.

Copies to be deposited with the Steward of the Manor and the Clerk of the Peace.

XXXIII. And be it enacted, That Two Copies of every confirmed Instrument or Schedule of Apportionment and confirmed Agreement, and Schedules to be annexed thereto or written in the same Book therewith, shall be made, and sealed with the Seal of the said Commissioners, and one such Copy shall be delivered to the Steward of the Manor, to be deposited and kept with the Court Rolls thereof, and the other Copy shall be deposited with the Clerk of the Peace for the County or Jurisdiction within which the said Manor or the greater Part thereof in Value, computed as aforesaid, shall be situated, to be by him and his Successors in Office kept with the Papers and Books of the Clerk of the Peace for the Time being; and all Persons interested therein may have Access to the said Copies respectively, and shall be furnished with Copies of or Extracts from any such Copy, on giving reasonable Notice to the Party having the Custody of the same, and on Payment of Two Shillings and Sixpence for each Inspection, and after the Rate of Two-pence for every Seventy-two Words contained in such Copy or Extract; and every Recital or State-
ment

ment in, or Agreement, Schedule, Map, Plan, Document, or Writing annexed to such confirmed Apportionment, shall be deemed satisfactory Evidence of the Matters therein recited or stated, or of the Accuracy of such Map or Plan; and such Deposit shall be notified by an Advertisement or otherwise as the said Commissioners may from Time to Time direct.

XXXIV. And be it enacted, That the said Commissioners, if they shall see fit, before confirming any Agreement, Valuation, Assessment, Schedule, or Apportionment, may require Notice thereof to be given in such Manner as they shall direct to the Person next in Remainder, Reversion, or Expectancy of an Estate of Inheritance in any Manor or Lands, or any other Person to whom they may think Notice ought to be given, and may by themselves or by some Assistant Commissioner hear and determine any Objection made to such Confirmation by any Person so interested therein.

Notice to
Parties.

XXXV. And be it enacted, That it shall be lawful for the said Commissioners to correct or supply any manifest Error or Omission in any Agreement, Valuation, Assessment, Schedule, or Apportionment, at any Time after the same shall respectively have been made or confirmed, with the Consent in Writing of all the Parties affected by such Error or Omission, but not otherwise.

Commissioners
may correct
Errors, with
Consent.

XXXVI. And be it enacted, That from the First Day of *January* next following the Confirmation of every such Apportionment the Lands of the said Manor shall be absolutely discharged from the Payment of all the Lord's Rents, Fines, and Heriots, (save and except, in the Case of a Commutation for a Rent-charge, a fixed Fine not exceeding the Sum of Five Shillings, to be stated in every such Apportionment as aforesaid, and which shall be payable to the Lord in every Case of Death or Alienation,) and from the Lord's Right of Timber, and any other Right of the Lord which may be the Subject of Commutation, and instead thereof there shall be payable thenceforth, or from such Time as shall be fixed by the said Commissioners, to the Person in that Behalf mentioned in the said Apportionment, the yearly Sum of Money mentioned therein, where the same shall not exceed Twenty Shillings, and in other Cases a yearly Sum of Money which shall be deemed to be of the Value of such Number of Imperial Bushels and Decimal Parts of an Imperial Bushel of Wheat, Barley, and Oats respectively as such Sum would have purchased if equal Third Parts thereof had been invested in the Purchase of those respective Descriptions of Grain at the Prices ascertained by the Advertisement provided for by the said Act for the Commutation of Tithes in *England and Wales* next preceding the passing of this Act; that is to say, at the Price (for Wheat) of Six Shillings and Eleven-pence Three Farthings *per* Bushel, for Barley of Four Shillings and One Penny *per* Bushel, and for Oats of Two Shillings and Ten-pence Three Farthings *per* Bushel, such respective yearly Sum to be payable instead of the said Rents, Fines, and Heriots, and other Rights as aforesaid, in the Nature of a Rent-charge issuing out of the Lands charged therewith; and such yearly Sum shall be payable by Two half-yearly Payments on the First Day of *July* and the First Day of *January* in every Year, the first Payment (except where deferred by the said Order of the said

Lands to be
discharged from
Rents, Fines,
and Heriots
now payable,
and a Rent-
charge and fixed
Fine to be paid
in lieu thereof.

Commis-

Commissioners) being made on the First Day of *July* next after the Lands shall have been discharged from Rents, Fines, and Heriots, and other Rights as aforesaid; and such Rent-charge may be recovered, at the Suit of the Person entitled thereto, by Distress and Entry, as herein-after mentioned; and after every First Day of *January* the yearly Sum of Money thenceforth payable in respect of such Rent-charge, where it shall exceed the Sum of Twenty Shillings, shall vary so as always to consist of the Price of the same Number of Bushels and Decimal Parts of a Bushel of Wheat, Barley, and Oats, respectively, according to the Prices ascertained by the then next preceding Advertisement; and any Person entitled from Time to Time to any such varied Rent-charge shall have the same Powers for enforcing Payment thereof as are herein-after contained concerning the original Rent-charge; and that whenever the Commutation shall be in consideration only of a Fine to be payable upon Death or Alienation, the Amount of the Fine to be mentioned in the Apportionment (if the same shall not exceed Twenty Shillings), and in other Cases the Value of the respective Quantities of Wheat, Barley, and Oats, which equal Third Parts of such Fine would have purchased at the respective Prices *per* Bushel herein-before set forth, such Value to be ascertained by the Prices stated in any such Advertisement so provided for as aforesaid, next preceding the Event or Act upon which the Fine shall have become payable, shall be paid to the Person in that Behalf mentioned or described in the Apportionment, and shall be recoverable by him in like Manner as any Fine upon Death or Alienation is now by Law recoverable.

Schedule to specify in what Event a Rent-charge is to be increased or diminished.

XXXVII. Provided always, and be it enacted, That in every Case in which by the Agreement entered into as aforesaid any Rent-charge or Rent-charges shall have been left subject, in certain Events, to Increase or Diminution, the Schedule of Apportionment shall set forth the Events on the happening of which such Increase or Diminution is to take place, and the Amount or Rate of Increase or Diminution respectively.

If Valuers be not appointed within Six Months, or Valuation be not made within that Period, Commissioners may appoint.

XXXVIII. And be it enacted, That if, upon the Expiration of Six Calendar Months after the Confirmation of any Agreement to be made as herein-before mentioned, no Valuers shall have been appointed, or their Valuation, Apportionments, or Schedules (as the Case may be) respectively shall not have been made, and sent to the Office of the said Commissioners, or if any Valuer appointed under or by virtue of this Act shall die or become incapable of acting, it shall be lawful for the said Commissioners from Time to Time to appoint such competent Person or Persons as they shall deem fit as Valuer or Valuers, with the like Powers and Duties, and whose Costs and Expences shall be payable in like Manner as is herein-before provided with respect to Valuers to be appointed and acting under any such Agreement for Commutation as aforesaid.

Commissioners may hear and determine Disputes.

XXXIX. And be it enacted, That if any Action or Suit shall be depending touching the Right to or Amount of any Fines or other Manorial Payments or Incidents (except Mines and Minerals), or any Question shall arise thereon, it shall be lawful for the said Commissioners or Assistant Commissioner to appoint a Time and Place in or near the Manor for hearing and determining the same, and to inquire into, hear, and determine such Right

Right or Amount, or such Question or Questions as aforesaid; and the Decision of the said Commissioners or Assistant Commissioner at such Meeting, or any adjourned or renewed Meeting, shall, subject to the Provisions herein-after contained, be binding and conclusive on all Persons to whom Twenty Days Notice of the Time, Place, and Intent of such Meeting shall have been given, or left at their usual Place of Abode, or left with the occupying Tenant of the Lands to which such Meeting shall relate, his, her, and their Heirs, Executors, Administrators, and Assigns, and the Successors of any Body Politic or Corporate; and such occupying Tenant shall forthwith send such Notice by Post or otherwise to the Party for whom the same was left, and in default of so doing shall be liable to the Penalty of not less than Five Pounds and not more than Twenty Pounds, to be recovered before Two of Her Majesty's Justices of the Peace on summary Application in manner herein-after mentioned, and shall also be liable to pay and make good to such Party all Damage which he may sustain by such Default, to be recovered, with full Costs of Suit, in an Action in any of Her Majesty's Courts of Law at *Westminster*: Provided always, that if any such Decision shall directly or indirectly affect any Right to Mines or Minerals, such Decision, so far as it relates to any such Right, shall be null and void, and of no Effect whatever, either at Law or in Equity.

Proviso as to
Rights to Mines
or Minerals.

XL. Provided always, and be it enacted, That any Person claiming to be interested in any Lands, who shall be dissatisfied with any such Decision of the said Commissioners or Assistant Commissioner, may, if the yearly Value of the Payment to be made or withholden according to such Decision shall exceed the Sum of Twenty Pounds, cause an Action to be brought in any of Her Majesty's Courts of Law at *Westminster* against the Person in whose Favour such Decision shall have been made, within Three Calendar Months next after such Decision shall have been notified in Writing, in such Manner as the said Commissioners or Assistant Commissioner shall direct, to the Parties interested therein, or to their known Agents, in which Action the Plaintiff shall deliver a feigned Issue, whereby such disputed Right may be tried, and shall proceed to a Trial at Law of such Issue at the Sittings after the Term or at the Assizes then next or next but One after such Action shall have been commenced to be holden for the County within which the Lands or the greater Part thereof are situated, with Liberty nevertheless for the Court in which the same shall have been commenced, or any Judge of Her Majesty's Courts of Law at *Westminster*, to extend the Time for going to Trial therein, or to direct the Trial to be in another County, if it shall seem fit to such Court or Judge so to do; and every Defendant in any such Action shall enter an Appearance thereto, and accept such Issue; but in case the Parties shall differ as to the Form of such Issue, or in case the Defendant shall fail to enter such Appearance or accept such Issue, then the same shall be settled under the Direction of the Court in which the Action shall be brought, or by any Judge of Her Majesty's Courts of Law at *Westminster*, and the Plaintiff may proceed thereon in like Manner as if the Defendant had appeared and accepted such Issue; and the Parties in such Action

Perrons dis-
satisfied with
Decision may
appeal by Issue
at Law or on
Case stated.

Commissioners) being made on the First Day of *July* next after the Lands shall have been discharged from Rents, Fines, and Heriots, and other Rights as aforesaid; and such Rent-charge may be recovered, at the Suit of the Person entitled thereto, by Distress and Entry, as herein-after mentioned; and after every First Day of *January* the yearly Sum of Money thenceforth payable in respect of such Rent-charge, where it shall exceed the Sum of Twenty Shillings, shall vary so as always to consist of the Price of the same Number of Bushels and Decimal Parts of a Bushel of Wheat, Barley, and Oats, respectively, according to the Prices ascertained by the then next preceding Advertisement; and any Person entitled from Time to Time to any such varied Rent-charge shall have the same Powers for enforcing Payment thereof as are herein-after contained concerning the original Rent-charge; and that whenever the Commutation shall be in consideration only of a Fine to be payable upon Death or Alienation, the Amount of the Fine to be mentioned in the Apportionment (if the same shall not exceed Twenty Shillings), and in other Cases the Value of the respective Quantities of Wheat, Barley, and Oats, which equal Third Parts of such Fine would have purchased at the respective Prices *per* Bushel herein-before set forth, such Value to be ascertained by the Prices stated in any such Advertisement so provided for as aforesaid, next preceding the Event or Act upon which the Fine shall have become payable, shall be paid to the Person in that Behalf mentioned or described in the Apportionment, and shall be recoverable by him in like Manner as any Fine upon Death or Alienation is now by Law recoverable.

Schedule to specify in what Event a Rent-charge is to be increased or diminished.

XXXVII. Provided always, and be it enacted, That in every Case in which by the Agreement entered into as aforesaid any Rent-charge or Rent-charges shall have been left subject, in certain Events, to Increase or Diminution, the Schedule of Apportionment shall set forth the Events on the happening of which such Increase or Diminution is to take place, and the Amount or Rate of Increase or Diminution respectively.

If Valuers be not appointed within Six Months, or Valuation be not made within that Period, Commissioners may appoint.

XXXVIII. And be it enacted, That if, upon the Expiration of Six Calendar Months after the Confirmation of any Agreement to be made as herein-before mentioned, no Valuers shall have been appointed, or their Valuation, Apportionments, or Schedules (as the Case may be) respectively shall not have been made, and sent to the Office of the said Commissioners, or if any Valuer appointed under or by virtue of this Act shall die or become incapable of acting, it shall be lawful for the said Commissioners from Time to Time to appoint such competent Person or Persons as they shall deem fit as Valuer or Valuers, with the like Powers and Duties, and whose Costs and Expences shall be payable in like Manner as is herein-before provided with respect to Valuers to be appointed and acting under any such Agreement for Commutation as aforesaid.

Commissioners may hear and determine Disputes.

XXXIX. And be it enacted, That if any Action or Suit shall be depending touching the Right to or Amount of any Fines or other Manorial Payments or Incidents (except Mines and Minerals), or any Question shall arise thereon, it shall be lawful for the said Commissioners or Assistant Commissioner to appoint a Time and Place in or near the Manor for hearing and determining the same, and to inquire into, hear, and determine such Right

Right or Amount, or such Question or Questions as aforesaid; and the Decision of the said Commissioners or Assistant Commissioner at such Meeting, or any adjourned or renewed Meeting, shall, subject to the Provisions herein-after contained, be binding and conclusive on all Persons to whom Twenty Days Notice of the Time, Place, and Intent of such Meeting shall have been given, or left at their usual Place of Abode, or left with the occupying Tenant of the Lands to which such Meeting shall relate, his, her, and their Heirs, Executors, Administrators, and Assigns, and the Successors of any Body Politic or Corporate; and such occupying Tenant shall forthwith send such Notice by Post or otherwise to the Party for whom the same was left, and in default of so doing shall be liable to the Penalty of not less than Five Pounds and not more than Twenty Pounds, to be recovered before Two of Her Majesty's Justices of the Peace on summary Application in manner herein-after mentioned, and shall also be liable to pay and make good to such Party all Damage which he may sustain by such Default, to be recovered, with full Costs of Suit, in an Action in any of Her Majesty's Courts of Law at *Westminster*: Provided always, that if any such Decision shall directly or indirectly affect any Right to Mines or Minerals, such Decision, so far as it relates to any such Right, shall be null and void, and of no Effect whatever, either at Law or in Equity.

Proviso as to
Rights to Mines
or Minerals.

XL. Provided always, and be it enacted, That any Person claiming to be interested in any Lands, who shall be dissatisfied with any such Decision of the said Commissioners or Assistant Commissioner, may, if the yearly Value of the Payment to be made or withholden according to such Decision shall exceed the Sum of Twenty Pounds, cause an Action to be brought in any of Her Majesty's Courts of Law at *Westminster* against the Person in whose Favour such Decision shall have been made, within Three Calendar Months next after such Decision shall have been notified in Writing, in such Manner as the said Commissioners or Assistant Commissioner shall direct, to the Parties interested therein, or to their known Agents, in which Action the Plaintiff shall deliver a feigned Issue, whereby such disputed Right may be tried, and shall proceed to a Trial at Law of such Issue at the Sittings after the Term or at the Assizes then next or next but One after such Action shall have been commenced to be holden for the County within which the Lands or the greater Part thereof are situated, with Liberty nevertheless for the Court in which the same shall have been commenced, or any Judge of Her Majesty's Courts of Law at *Westminster*, to extend the Time for going to Trial therein, or to direct the Trial to be in another County, if it shall seem fit to such Court or Judge so to do; and every Defendant in any such Action shall enter an Appearance thereto, and accept such Issue; but in case the Parties shall differ as to the Form of such Issue, or in case the Defendant shall fail to enter such Appearance or accept such Issue, then the same shall be settled under the Direction of the Court in which the Action shall be brought, or by any Judge of Her Majesty's Courts of Law at *Westminster*, and the Plaintiff may proceed thereon in like Manner as if the Defendant had appeared and accepted such Issue; and the Parties in such Action

Perrons dis-
satisfied with
Decision may
appeal by Issue
at Law or on
Case stated.

shall produce to each other, their respective Attornies or Counsel, at such Time and Place as any Judge may order, before Trial, and also to the Court and Jury upon the Trial of any such Issue, all Books, Deeds, Papers, and Writings, Terriers, Maps, Plans, and Surveys, relating to the Matters in Issue, in their respective Custody or Power; and it shall be lawful for the Judge by whom any such Action shall be tried, if he shall think fit, to direct the Jury to find a Verdict subject to the Opinion of the Court upon a Special Case; and the Verdict which shall be given in any such Action, or the Judgment of the Court upon the Case subject to which the same may be given, shall be final and binding upon all Parties thereto, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had therein, which it shall be lawful for the said Court to do if it shall see fit: Provided also, that in case any such Decision shall involve a Question of Law only, and the Parties in difference shall be agreed upon the Facts relating thereto, and whereon such Decision shall have been founded, the said Commissioners or Assistant Commissioner, at the Request of the Person dissatisfied (such Request to be made in Writing within Three Calendar Months after such Decision, and at least Fourteen Days previous Notice in Writing of such Request to be given in like Manner to the other Parties in difference, or to their known Agents), shall direct a Case to be stated for the Opinion of such One of Her Majesty's Courts of Law at *Westminster* as the said Commissioners or Assistant Commissioner shall think fit, which Case shall be settled by them or him, or under their or his Direction, in case the Parties differ about the same, and may be set down for Argument, and be brought before the Court in like Manner as other Cases are brought before the Court; and the Decision of such Court upon every Case so brought before it shall be binding upon all Parties concerned therein: Provided always, that after such Verdict given, and not set aside by the Court, or after such Decision of the Court, the said Commissioners or Assistant Commissioner shall be bound by such Verdict or Decision; and the Costs of every Action, or of stating such Case, and obtaining a Decision thereon, shall be in the Discretion of the Court in or by which the same shall be decided, which may order the same to be taxed by the proper Officer of the Court, and the like Execution may be had for the same as if such Costs had been recovered upon a Judgment of Record of the said Court.

Verdict to be final.

Costs.

Proceedings not to abate by Deaths.

Actions may be brought and carried on in the Names of deceased Parties.

XLI. And be it enacted, That no Proceedings of or before the said Commissioners or Assistant Commissioner, or in any Action, or in any Case stated, or Reference, in pursuance of this Act, shall abate or cease by reason of the Death of any Person interested therein.

XLII. And be it enacted, That if any Person in whose Favour any such Decision of the said Commissioners or any Assistant Commissioner shall have been made shall die before any such Action shall have been brought or Case stated, and before the Expiration of the Time herein-before limited for that Purpose, it shall be lawful for any Person who might have brought such Action, or have had such Case stated, against the Person so dying,

to bring or have the same within the Time so limited as aforesaid nominally against such Person as if living, and to serve the said Commissioners or Assistant Commissioner with Process and Notices relating thereto in the same Manner as the Person deceased might have been served therewith if living; and it shall be lawful for every Person entitled to the Benefit of such Decision as aforesaid, or in case of any such Person being a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or labouring under any other legal Disability, the Guardian, Trustee, Committee of the Estate, Husband, or Attorney respectively, or in default thereof such Person as may be nominated for that Purpose by the said Commissioners, and whom they are hereby empowered to nominate under their Hands and Seal, to appear and defend such Action or argue such Case; and Proceedings shall be had therein in the like Manner and the Rights of all Persons shall be equally bound and concluded by the Event of such Action or the Decision of such Case, as if such Person had been living or free from Disability; and the Costs of every such Action or Case shall be in the Discretion of the Court as aforesaid.

XLIII. And be it enacted, That the said Commissioners or any Assistant Commissioner may, by Summons under their or his Hands or Hand, require the Attendance of all such Persons as they or he may think fit to examine upon any Matter brought before them or him, or respecting which they or he have or hath Power to act as herein-before mentioned, relating to any such Commutation as aforesaid, or to any Enfranchisement in pursuance of the Provisions herein-after contained, and also make any Inquiry and call for any Answer or Return as to such Matter, and also administer Oaths, and examine all such Persons upon Oath, and cause to be produced before them or him, upon Oath, all Deeds, Documents, and Writings, Books, Court Rolls, Rentals, Contracts, Agreements, Accounts, Writings, Papers, Maps, Plans, and Surveys, or Copies thereof respectively, in anywise relating to any such Matter: Provided always, that no such Person shall be required, in obedience to any such Summons, to travel more than Ten Miles from the Place of his Abode to give Evidence, or produce any Deeds, Papers, or Writings relating to the Title of any Lands, unless such Production shall appear to the said Commissioners or Assistant Commissioner essentially requisite in making the Inquiries to be made under this Act.

Power to examine Witnesses, call for Papers, &c.

XLIV. And be it enacted, That the said Commissioners or Assistant Commissioner, in any Case where they or he may see fit, may order such Expences of Witnesses, and of the Production of any Books, Deeds, Court Rolls, Contracts, Accounts, or Writings, Maps, Plans, and Surveys, or Copies thereof, and all other Expences (except the Salaries or Allowance to any of the said Commissioners or Assistant Commissioner provided for as aforesaid) incurred in the Settlement of any Suit or Difference, or in the hearing or determining any Objection, Valuation, Schedule, or Apportionment before the said Commissioners or Assistant Commissioner, to be paid by such Parties interested in the Production thereof respectively, or in the Event of such Suit, Difference, or Objection, and to such Person or Persons and in

Expences of Witnesses, &c.

such Proportions as the said Commissioners or Assistant Commissioner may think fit and reasonable.

Tenant paying
Rent-charge to
be allowed it
by his Landlord.

XLV. And be it enacted, That every Tenant or Occupier who shall pay any such Rent-charge as aforesaid, or any Expences legally chargeable under this Act upon the Land of which he shall be such Tenant or Occupier, shall be entitled to deduct the Amount from the Rent payable by him to his Landlord, and shall be allowed the same in account with his said Landlord.

Lands ex-
empted from
Provisions of
this Act in
certain Cases.

XLVI. Provided always, and be it enacted, That in every Case in which any Tenant or Occupier shall show to the Commissioners that he holds Copyhold Lands for a Term of Years of a Tenant of any Manor at a lower Rent than the Sum about to be imposed on the same for Commutation or Enfranchisement, or for the Expences incurred under the Provisions of this Act, it shall be lawful for the said Commissioners to declare all Agreements entered into under the Authority of this Act null and void so far as regards such Lands, and such Lands shall be exempted from the Provisions of this Act, unless the Tenant on the Court Roll shall give such Security, for the Payment of all Sums so to be charged on such Lands, as shall be satisfactory to the said Tenant or Occupier, and to the Commissioners.

Rent-charge
in arrear for
Twenty-one
Days after
half-yearly
Days of Pay-
ment may be
distrained for.

XLVII. And be it enacted, That in case the said Rent-charge shall at any Time be in arrear and unpaid for the Space of Twenty-one Days next after any half-yearly Day of Payment, it shall be lawful for the Person entitled to the same, after having given or left Ten Days Notice in Writing at the usual or last known Residence of the Tenant in possession, to distrain upon the Lands liable to the Payment thereof or any Part thereof for all Arrears of the said Rent-charge, and to dispose of the Distress when taken, and otherwise to act and demean himself in relation thereto as any Landlord may for Arrears of Rent reserved on a common Lease for Years, provided that not more than Two Years Arrears shall at any Time be recoverable by Distress.

When Rent-
charge is in
arrear for
Forty Days
after half-yearly
Days of Pay-
ment, and no
sufficient Dis-
tress on the
Premises, Writ
to be issued
directing Sher-
riff to summon
Jury to assess
Arrears.

XLVIII. And be it enacted, That in case the said Rent-charge shall be in arrear and unpaid for the Space of Forty Days next after any half-yearly Day of Payment, and there shall be no sufficient Distress on the Premises liable to the Payment thereof, it shall be lawful for any Judge of Her Majesty's Courts of Record at *Westminster*, upon Affidavit of the Facts, to order a Writ to be issued directed to the Sheriff of the County in which the Lands chargeable with the Rent-charge are situated, requiring the said Sheriff to summon a Jury to assess the Arrears of Rent-charge remaining unpaid, and to return the Inquisition thereupon taken to some One of Her Majesty's Courts of Law at *Westminster* on a Day therein to be named, either in Term Time or Vacation; a Copy of which Writ, and Notice of the Time and Place of executing the same, shall be given to the Owner of the Land, or left at his last known Place of Abode, or with his known Agent, Ten Days previous to the Execution thereof; and the Sheriff is hereby required to execute such Writ according to the Exigency thereof; and the Costs of such Inquisition shall be taxed by the proper Officer of the Court; and thereupon the Owner of the Rent-charge may sue out a Writ of Habere facias possessionem, directed

directed to the Sheriff, commanding him to cause the Owner of the Rent-charge to have Possession of the Lands chargeable therewith until the Arrears of Rent-charge found to be due, and the said Costs, and also the Costs of such Writ, and of executing the same, and of cultivating and keeping Possession of the Lands, shall be fully satisfied: Provided always, that not more than Two Years Arrears, over and above the Time of such Possession, shall be at any Time recoverable.

XLIX. And be it enacted, That it shall be lawful for the Court out of which such Writ shall have issued, or any Judge at Chambers, to order the Owner of the Rent-charge who shall be in possession by virtue of such Writ from Time to Time to render an Account of the Rents and Produce of the Lands, and of the Receipts and Payments in respect of the same, and to pay over the Surplus (if any) to the Person for the Time being entitled thereunto, after Satisfaction of such Arrears of Rent-charge and all Costs and Expences as aforesaid, and thereupon a Writ of Supersedeas to issue to the said Writ of Habere facias possessionem, and also by Rule or Order of such Court or Judge from Time to Time to give such summary Relief to the Parties as to the Court or Judge shall seem fit.

Account how to be rendered.

L. And be it enacted, That the several Provisions of an Act passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, intituled *An Act to amend an Act of the Eleventh Year of King George the Second, respecting the Apportionment of Rents, Annuities, and other periodical Payments*, shall extend to all Rent-charges payable under this Act.

4 & 5 W. 4.
c. 22. to extend to Rent-charges under this Act.

LI. And be it enacted, That nothing in this Act contained shall affect any Right to any Rents, Fines, or Heriots, or any other Manorial Right proposed as the Subject of Commutation, which shall have become due or have accrued on or before the First Day of *January* next following the Confirmation of the Apportionment.

Rents, &c. due before the Commutation not to be affected.

LII. And be it enacted, That it shall be lawful for the Lord of any Manor, and any One or more Tenant or Tenants of such Manor, (whatever may be their respective Interests,) to enter into an Agreement, with the Consent of the Commissioners, for the Commutation of the Lord's Rights to Rents, Fines, and Heriots, or of any such Rights respectively, and any other of the Lord's Rights affecting the Land which shall be included in such Agreement; and such Agreement may include an Apportionment of the Rent-charge or other Consideration for the Commutation, and of the Costs and Expences of and attending the same, and may fix a Scale of Fees to be payable to the Steward from and after the Confirmation of the Agreement, but so nevertheless as not to affect the Interests of any Steward in Office at the Time of the passing of this Act who shall hold his Office for Life or during good Behaviour, or of any Steward of a Manor so in Office as aforesaid where the Usage shall have been such as in the Opinion of the said Commissioners to lead to a just Expectation that the Steward will hold his Office during his Life or good Behaviour; and every such Commutation may be made in consideration of a Rent-charge to commence and (where it shall exceed the Sum of

Power to effect a voluntary Commutation.

Twenty Shillings) to be variable as aforesaid, and of a Fine certain (not exceeding in any Case the Sum of Five Shillings) upon Death or Alienation, or may be made in consideration of the Payment of a Fine on Death or Alienation; and every such Rent-charge, or, where the Commutation shall be a Fine on Death or Alienation, every such Fine, may be made subject to a certain Increase or Diminution, to be stated in the Agreement, or to be afterwards fixed by Valuers, (as the Case may be,) in any Event which may be provided for by the Agreement; and whenever so many as Twelve Persons, being Tenants or all the Tenants of any Manor, shall at the same Time agree with the Lord for any such Commutation, and the Agreement shall not include Apportionment, it shall be lawful to effect such Commutation by a Schedule to be prepared by the Steward, and delivered by him to the said Commissioners, and to be confirmed and sealed by such Commissioners under this Act; and all the Provisions herein-before contained for carrying into effect a Commutation Apportionment made by Valuers, and for the Deposit of Copies thereof, shall be applicable to the Case of a Commutation agreed upon between the Lord and such Number of his Tenants as aforesaid, save that the said Commissioners shall not make any Alterations or Amendments in such Schedule, or the Terms of such Commutation, without the Consent of the Parties interested therein: Provided always, that whenever the Estate of any Party to such Commutation shall be less than an Estate of Fee Simple in Possession, or corresponding Copyhold or Customary Estate, Notice in Writing shall be given by or on behalf of such Party to the Person entitled to the next Estate of Inheritance in Remainder or Reversion in the Manor or Land to be affected by such Commutation, so that the Assent or Dissent or Acquiescence of such Person entitled in Remainder or Reversion may be stated in Writing to the said Commissioners when such a Schedule of Apportionment as aforesaid shall be sent to them, but the said Commissioners shall notwithstanding cause such further Notices to be given and such other Inquiries to be made as they shall deem fit before confirming such Apportionment; and in all Cases, if the Parties shall think fit, a Commutation may be effected, with the Consent of the said Commissioners, by such Conveyance, Deed, or Assurance as would or might be adopted for carrying into effect such Commutation if the Lord were seised of the Manor for an absolute Estate of Inheritance in Fee Simple in Possession, or by any Agreement to be enrolled or entered on the Court Rolls of the Manor, a Copy thereof delivered to the Tenant, as in Cases of Admission to Lands Copyhold of the Manor.

Proviso.

Power of Lords
of Manors to
recover Com-
mutation Fines.

LIII. And be it enacted, That the Lord of any Manor shall, in addition to other his Remedies for enforcing Admittances, and for Recovery of the Fine thereon now possessed in respect of Fines arbitrary, be entitled to adopt and take in all Cases of Commutation Fines, and the Admittance of any Person whomsoever to Lands held subject thereto, the like Proceedings as are authorized in the Admittance of Infants, Femes Coverts, and Lunatics, and Recovery of Fines in such Admittances, in and by an Act passed in the Session of the Eleventh Year of the Reign of His late Majesty
King

King *George* the Fourth and the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the consolidating and amending the Law relating to Property belonging to Infants, Females Coverts, Idiots, Lunatics, and Persons of unsound Mind.* 11 G. 4. & 1 W. 4. c. 65.

LIV. And be it enacted, That from and after any Commutation to be effected under this Act which shall not comprise all the Manorial Rights under which the Lands the Subject thereof shall be held, it shall and may be lawful for the Lord and Tenants for the Time being, and in like Manner as aforesaid, from Time to Time to commute any Rights not previously commuted, and either in consideration of a Rent-charge and Fines limited as aforesaid, or of Fines payable on Death or Alienation, and whether the original Commutation was in the one Mode or the other; also to provide that such additional Payments shall, if of the same Class, be added to and increase the Payments under the original Commutation or be made separately payable; also that it shall be lawful in like Manner, and at any Time after any such Commutation or supplemental Commutation, to substitute a Commutation at a Rent-charge and Fines limited in Amount as aforesaid for a Commutation under this Act at Fines payable on Death or Alienation. Power to effect supplemental or substituted Commutation.

LV. And be it enacted, That after any Commutation Apportionment shall have been effected under this Act, any Apportionment of the Commutation Rents or Fines, whether on the Subdivision of the Lands subject thereto, or whenever otherwise required, shall and may be effected by an Entry of Apportionment on the Court Rolls in like Manner and with the like Consent as is now used and adopted in Apportionment of Quit Rents; and which Entry the Steward for the Time being is hereby directed to make, whenever required and authorized so to do, by a Warrant or Authority in Writing under the Hands of the Lord and Tenant for the Time being, stating the Terms of Apportionment, and requiring the Entry of Apportionment on the Court Rolls. Apportionment of Rents and Fines.

LVI. And be it enacted, That for the Purpose of enabling Lords and Tenants of Manors to effect either general or partial Enfranchisements, it shall be lawful for the Lord of any Manor, whatever may be his Estate or Interest therein, with the Consent of the said Commissioners under this Act, at any Time or Times after the passing of this Act, to enfranchise all or any of the Lands holden of his Manor, in consideration of such Sum or Sums of Money, whether payable forthwith or at a future Time, as shall be agreed to be paid by the Tenant or Tenants whose Lands are to be enfranchised; and it shall be lawful for any Tenant, whatever may be his Estate or Interest, with the like Consent of the said Commissioners under this Act, to accept such Enfranchisement on the Terms so agreed on; and whenever so many as Twelve Persons being Tenants or all the Tenants of any Manor shall at the same Time agree with the Lord for the Enfranchisement of their Lands, then it shall be lawful to effect such Enfranchisement by a Schedule of Apportionment which shall have been specifically agreed upon between the Lord and Tenants, and where none such shall have been agreed upon, then by a Schedule of Apportionment to be prepared by the Steward and delivered by him M 4

him to the said Commissioners, such Schedule to be in either Case afterwards confirmed and sealed by such Commissioners; and such Schedule shall state the Sums to be paid for Enfranchisement by the several Tenants, or charged on their respective Lands, and the Periods of the Payment of the Principal Money respectively, or the Commencement of Interest, either pursuant to some Apportionment to be made by Valuers to be appointed by the Lord and Tenants, Parties to the Agreement, or as shall seem just to the said Commissioners, having regard to all the Circumstances of the Case; and where any Compensation shall have been agreed to be paid to the Steward or other Officers of the Manor for the Loss he or they may sustain by such Enfranchisement, which Compensation shall in all Cases be provided for where a Steward shall hold his Office by Patent or other Instrument for the Term of his Life or during good Behaviour, or where, in the Absence of such Patent or other Instrument, the Usage shall have been such as in the Opinion of the said Commissioners to lead to a just Expectation that the Steward will hold his Office during Life or good Behaviour, the Schedule shall contain an Apportionment of the Sum agreed to be paid; and every such Schedule shall contain all such other Matters as shall be requisite for carrying into effect the Provisions of this Act; and all the Provisions herein-before contained for carrying into execution a Commutation Apportionment made by Valuers shall, so far as the same are capable of Application, be deemed and taken to be applicable to the Case of an Enfranchisement under the Provisions herein contained, save that the said Commissioners shall not make any Alterations or Amendments in such Schedule without the Consent of the Parties interested therein: Provided always, that whenever the Estate of any Party to such Enfranchisement shall be less than an Estate of Fee Simple in Possession, or corresponding Copyhold or Customary Estate, Notice in Writing shall be given by or on behalf of such Party to the Person entitled to the next Estate of Inheritance in Remainder or Reversion in the Manor or Land to be affected by such Enfranchisement, so that the Assent or Dissent or Acquiescence of such Person entitled in Remainder or Reversion may be stated in Writing to the said Commissioners, when such a Schedule of Apportionment as aforesaid, or when such Conveyance, Deed, or Assurance as herein-after mentioned, shall be sent to them, but the said Commissioners shall notwithstanding cause such further Notices to be given and such other Inquiries to be made as they shall deem fit before confirming such Apportionment, or consenting to such Conveyance, Deed, or Assurance: Provided also, that in case the Person so next entitled in Remainder or Reversion as aforesaid shall be a Minor, Idiot, Lunatic, Feme Covert, or under any other legal Disability, or shall be beyond the Seas, such Notice as aforesaid shall be given to the Guardian, Trustees, Committee of the Estate, Husband, or Attorney of such Person respectively, or in default thereof, or in case the Person so entitled shall be unknown or not ascertained, then such Notice shall be given to some Person, to be nominated for that Purpose by some Writing under the Hands and Seal of the said Commissioners, after due Inquiry shall have been made by them as to the Fitness of such Person to judge of the Propriety of assenting to or dissenting from

Proviso.

any such Agreement; and that in every Case in which Dissent in Writing shall have been expressed, the Commissioners shall withhold their Confirmation of the Apportionment, or their Consent to the Conveyance, Deed, or Assurance herein-after mentioned, until upon further Inquiry they shall be satisfied that the Agreement is not fairly open to Objection.

LVII. And be it enacted, That if such Agreement for Enfranchisement shall not be entered into by all the Tenants of the Manor, or their Number shall be less than Twelve, or, whatever may be their Number, if the Parties shall think fit, an Enfranchisement may be effected, with the Consent of the said Commissioners, by such Conveyance, Deed, or Assurance as would or might be adopted for effecting such Enfranchisement if the Lord were seised of the Manor for an absolute Estate of Inheritance in Fee Simple in Possession.

Enfranchise-
ment if Agree-
ment not entered
into by all or less
than 12 Tenants.

LVIII. And be it enacted, That in every Case in which any such Agreement for Enfranchisement shall be so entered into, and shall be proposed to be carried into effect by a Schedule of Apportionment, the said Commissioners, before they shall signify their Consent thereto, shall, upon the written Request of any Three or more Tenants, Parties to the Agreement, but not otherwise, satisfy themselves, in such Way and by such Evidence as they shall see fit, of the Title of the Lord to the Manor; and the Expence of investigating the Title to the Manor, and the other Expences attending every such Agreement, whether carried into effect by a Schedule of Apportionment or otherwise, and the Confirmation thereof and the Schedule of Apportionment (if any), shall be borne by the Lord and Tenants, Parties to such Agreement, in such Proportions as they may agree, or in default of Agreement as the said Commissioners may direct: Provided always, that the Expences payable by Lords of Manors having particular Interests or being Trustees shall, with any other Expences they may reasonably incur in or about any such Agreement (the Amount of such last-mentioned Expences being subject to the Approval of the said Commissioners), be paid out of the first Monies to be received out of the Enfranchisements to be effected under this Act: Provided always, that if the Lord shall refuse to afford such Information as may enable the Commissioners to be satisfied of his Title, or if the Commissioners shall for any other Reason not be satisfied of such Title, the said Agreement so entered into shall be null and void.

Commissioners,
before giving
Consent, to
satisfy them-
selves of the
Title to the
Manor; the
Expences of the
Investigation
and general Ex-
pences to be
borne by the
Parties as may
be agreed upon,
or as the Com-
missioners shall
direct.

LIX. And be it enacted, That in all Cases in which the Lord for the Time being shall be only entitled to the Manor for a limited Estate or Interest therein, or shall be under any legal Disability, the Sum or Sums of Money to be paid for Enfranchisement shall be paid and applied in manner herein-after provided for.

Enfranchise-
ment Money if
Lord's Interest
partial, &c.

LX. And be it enacted, That whenever by any such Agreement as aforesaid which shall be proposed to be carried into effect by a Schedule of Apportionment it shall have been stipulated that any Tenant shall be at liberty to defer the Payment of a Portion of the Sum charged in respect of his Lands or any Portion thereof, and such Tenant shall give Notice under his Hand to the Steward or Lord, as herein-before directed with respect to Notices in Cases of Commutation, of his Desire to defer Payment accordingly, at

Tenants may
defer, in certain
Cases, the
Payment of a
Portion of the
Consideration
for Enfranchise-
ment until the
next Event at
which a Fine
would be pay-
able.

any

any reasonable Time after the Execution of any such Agreement for Enfranchisement, and before the Delivery of the Schedule to the Commissioners, it shall be lawful for the said Commissioners in their Schedule of Apportionment in every such Case, and also (with the Consent of the Lord) in the Case of any such Tenant giving Notice as aforesaid, although no Stipulation shall have been made by the Agreement, to award that so much of the Sum apportioned to any such Tenant as shall have been charged for Enfranchisement from Fines or other Manorial Rights to which such Tenant, if he possessed a Life or other limited Interest, would not have been liable thereafter during his Tenancy, shall not be paid until the Period of the next Act or Event on which a Fine or other such Manorial Right would have become payable or due to the Lord if the said Lands had remained unenfranchised, and that within Six Months after such Act or Event the said Sum shall become payable, with such Addition thereto as the said Commissioners shall direct.

When such Sum becomes due the Lord to be entitled to the Rent and Profits of the Land, and may proceed to obtain Possession, &c.

LXI. And be it also enacted, That as soon as the said Sum, with such Addition thereto, shall become payable, the Lord or other Person for the Time being entitled to the Benefit thereof shall become entitled to the Rents and Profits of the Land in respect of which the same shall be due, unless and until he shall have received Notice that such Sum is become payable so that he may proceed to recover the same; and it shall be lawful for such Lord or other Person to proceed to obtain Possession of the said Rents and Profits, in like Manner as if the said Land had been lawfully seised into the Hands of the Lord for some Default of the Tenant; provided that Notice in Writing stating the Nature of such Act or Event as aforesaid, delivered by or on behalf of the Tenant to the Lord or other Person entitled, or the Clerk of the Peace or other Persons having the Custody of the Schedule of Apportionment, shall be deemed sufficient Notice that the said Sum is payable; and as soon as the said Sum is become payable the Land in respect of which the same shall be due, and the beneficial Owner thereof for the Time being, shall be subject to the like Remedies for the Recovery thereof, and such Sum shall become applicable in like Manner, subject to any such Allowance thereout as herein-after provided, as if such Land had not been previously enfranchised, and the Payment for the same had not been deferred.

Power for other Tenants to defer Payment of Consideration for Enfranchisement.

LXII. And be it enacted, That for the Purpose of freeing other Tenants from the Inconvenience to which in certain Cases they might be subjected by an immediate Liability to the Payment of the Sums to be agreed to be paid to the Lord of the Manor for Enfranchisement under this Act, it shall be lawful for such Tenant, at any reasonable Time after the Execution of any such Agreement for Enfranchisement as aforesaid (to be fixed by the said Commissioners, and in default of their fixing any other Limit at any other Time, or until within Ten Days next previous to the Delivery by the Steward to the Commissioners of the Schedule of such Apportionment), to declare, by Notice under his Hand, to be delivered to the Lord or Steward as herein-before provided with respect to Notices in Cases of Commutation, his Desire that such Compensation Money should remain a Charge on the Lands affected

affected thereby for any Number of Years not exceeding Fourteen Years, or, if a Tenant for Life, for the whole Period of his Life and One Year longer, and which Notice the Steward shall forthwith, or with the said Schedule of Apportionment, send to the said Commissioners; and thereupon the said Commissioners, with the Consent of the Lord, but not otherwise, shall insert in a Column of such Apportionment to be appropriated to such Purpose the Number of Years or Period for which such Charge is to be continued, and thereupon (subject as after mentioned) no Proceedings shall be instituted during such Time or Period to enforce Payment of the Principal Money so apportioned: Provided nevertheless, that Interest after the Rate of Four Pounds *per Centum per Annum* thereon shall be payable and paid half-yearly on the Days to be mentioned in such Apportionment, or, if not mentioned, then at the Expiration of each Half Year computed from the Date thereof; and nothing herein contained shall extend to protect any Tenant or other Person from such Proceedings, in case Interest for One Year and a Half shall remain due on the Principal Sum apportioned or awarded or on any Part thereof to the Amount of One Half: Provided also, that during the Term or Period so fixed the Lord shall not be compellable to receive Payment of the Principal Money without receiving Twelve Calendar Months Notice of the Intention to pay off the same; and in case the Interest on such Principal Sum or any Part thereof shall at any Time be in arrear or unpaid for Thirty Days after any half-yearly Payment shall be due as aforesaid, it shall be lawful for the Lord or Party entitled for the Time being to receive such Interest Money to levy the same by Distress and Sale of the Goods on the Lands and Tenements enfranchised and affected by such Enfranchisement, or any of them, as fully and in like Manner as if the same had been Rent in arrear, and subject to Recovery by Distress.

LXIII. And be it enacted, That where the Lord of the Manor shall be only entitled for a limited Estate or Interest therein, and the said Commissioners shall have deferred Payment of any Sum or Sums for Enfranchisement under the Powers herein-before contained, so that instead of such Lord receiving a certain Sum, or the Interest thereon, forthwith, he, or the Lord for the Time being, shall become entitled at a future Period to the said deferred Sum, with an Addition thereto on account of the Fine which would have become payable on the Act or Event fixing such Period, or with an Addition thereto on any other Account, it shall be lawful for the said Commissioners to award and direct that out of the Money payable or chargeable forthwith for Enfranchisement of any Lands in such Manor a certain Sum of Principal Money shall be paid to or charged in favour of such Lord as if he were absolutely seised as Tenant in Fee Simple in Possession of such Manor, and such Principal Sum shall be paid or charged accordingly; and in case it shall happen that there shall be no Money payable forthwith for Enfranchisement, or not sufficient for making such Allowance to the Lord as aforesaid, or with the Consent of the Lord in any Case, it shall be lawful for the said Commissioners to award and direct that so much of the Sum payable at a future Period as they shall think adequate to his Interest shall become his absolute Property, and shall be paid or charged accordingly.

LXIV. And

Where Payments are deferred by Tenants, Provision to be made for such Lords as are only Tenants for Life.

Substituted
Titles.

XLIV. And be it enacted, That all Lands which shall be enfranchised under this Act shall be deemed to be held under the same Title as that under which the same were held at the Time of such Enfranchisement, and shall not be subject to any Estates, Rights, Titles, Interests, Incumbrances, Claims, or Demands affecting the Manor of which the same were holden.

General Ex-
pences.

XLV. And be it enacted, That the Expences of Valuations, including the Expence of making Copies of Apportionments, Schedules, and all other Documents required under the Provisions of this Act, and all other Expences necessary in the making any Commutation or Enfranchisement as aforesaid, except when otherwise provided by this Act, shall be paid by the Tenants, or by the Tenants and Lords, in such Proportions as the said Commissioners shall in the confirmed Apportionment, or otherwise, under their Hands and Seal, direct; and that if any Difference shall arise touching the Amount of the said Expences, or the Share thereof to be paid by or to any Person, it shall be lawful for the said Commissioners or Assistant Commissioner to certify under their or his Hands or Hand the Amount to be paid by or to such Person; and in case any Person shall refuse or neglect to pay the Amount so certified or specified in such Apportionment to be payable from him immediately after Notice thereof, then, upon Production of such Certificate, or of either of the deposited Copies, under Seal, of the said Apportionment, before Two of Her Majesty's Justices of the Peace for the County, Riding, Division, or Jurisdiction wherein the Manor to which the same relates, or the greater Part thereof in Value as appearing in such Apportionment, is situate; and on Proof of such Refusal or Neglect such Justices are hereby authorized and empowered, by Warrant under their Hands and Seals, to cause the same, and the Costs of Application and Distress, to be levied by Distress and Sale of the Goods of the Person liable to pay the same, and to render the Surplus (if any), after deducting the Costs of Distress and Sale, to the Person distrained upon.

Action for
Expences.

XLVI. And be it enacted, That if such Expences shall not be levied under the said Distress within Two Months after the said Warrant shall be granted it shall be lawful for the Person entitled to the said Expences (if the same shall, with the Costs of Application to such Justices, amount to Forty Shillings or upwards), and his Executors or Administrators, to recover the same Expences and Costs, with full Costs of Suit, in an Action of Debt in any of Her Majesty's Courts of Law at *Westminster* against the Party named in such Warrant and Certificate or Apportionment as aforesaid, his Executors or Administrators, in which Action such Certificate or deposited Copy of Apportionment shall be satisfactory Evidence of the Amount of such Expences so awarded by the said Commissioners or Assistant Commissioner, and of the same being due for and to the Parties therein named; and the Certificate of such Justices under their Hands on such Warrant shall in like Manner be Evidence of the Amount of Costs of such Application; and the Production of such Warrant (which in all such Cases shall be allowed, and such Certificate given by such Justices,) shall be satisfactory Evidence of the Non-recovery of such Expences and Costs respectively under a Distress.

XLVII. And

LXVII. And be it enacted, That every Tenant, being a Trustee, or not beneficially interested in the Lands of which he stands admitted Tenant to be affected by any Commutation or Enfranchisement under this Act (save as against an unadmitted Mortgagee), shall be entitled to recover in like Manner, by Distress or Action respectively, all Expences, Costs, and Charges which he may have to pay under or by reason of any such Certificate, Apportionment, Distress, or Action, from the Person beneficially interested at the Date of such Apportionment in the said Lands, his Executors, Administrators, or Assigns, or by a like Distress on the said Lands, and the Occupier thereof shall be entitled to deduct any such Payments out of any Rent then or subsequently due; and should any Dispute arise as to any Trusteeship or Right to such Recovery, the same shall be determined by the said Commissioners or Assistant Commissioner in like Manner as is herein-before provided with respect to other Causes of Dispute or Difference arising under this Act, and their or his Certificate shall be deemed satisfactory Evidence of the Facts therein stated; and the like Evidence shall be produced before such Justices or in such Action as is herein-before provided in other Cases of Distress.

Expences of
Trustees.

LXVIII. And be it enacted, That any Tenant having a limited Interest, and who shall pay any such Expences or Costs, may, with the Consent of the said Commissioners under their Hands, and by a simple Entry on the Court Rolls of the Manor (and for which Entry the Steward shall only charge Thirteen Shillings and Four-pence, and which shall not be subject to any Stamp Duty,) charge such Expences and Costs, with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, on the Copyhold Lands to which the same shall relate, but so nevertheless that the principal Charge on such Lands shall be lessened in every Year following such Charge by One Twentieth Part at least of such original Charge thereon, and shall be subject to previous Mortgages.

Copyholders
having limited
Interests may
charge Costs on
the Lands in
certain Cases.

LXIX. And be it enacted, That any Lord of a Manor having a particular Interest, or being a Trustee, and who shall (in the Case of a Commutation) pay any such Expences or Costs, may, with the like Consent of the said Commissioners, charge such Expences and Costs, together with the Expences he may reasonably incur in employing Agents to protect his Interests or otherwise, with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, on the Manor to which the same may relate, but so nevertheless that the principal Charge on such Manor shall be lessened in every Year following such Charge by One Twentieth Part at least of such original Charge thereon, and shall be subject to previous Mortgages: Provided always, that the Amount of such last-mentioned Expences shall have been previously submitted to and shall have received the Approval of the said Commissioners or of an Assistant Commissioner.

Expences payable by Lords of Manors may be charged on the Manors.

LXX. And be it enacted, That from and immediately after the Date of the final Confirmation of the Apportionment, in the Case of any such Enfranchisement as aforesaid, or from the Date of the Conveyance, Deed, or Assurance by which the Enfranchisement shall be effected, (as the Case may be,) the several and respective Lands shall stand charged and chargeable with the respective

Lands to be charged with Enfranchisement Considerations as on Mortgage in Fee.

respective Sums mentioned in such Apportionment to be payable to the Lord and Steward or other Officers respectively, with lawful Interest for the same from the Day mentioned in the said Apportionment until Payment thereof respectively; and until such respective Payment or Payments the Person or Persons for the Time being seised of the Manor shall be deemed to stand seised of the said Lands as Mortgagee in Fee thereof, for the Benefit of the Lords as to the Sum payable to them, and of the said Steward or other Officers as to the Sums payable to him or them, and subject to the Power of continuing the Charge as hereinbefore provided; and that it shall and may be lawful for the Person so seised, or the Lords or Stewards respectively in his Name, from Time to Time to adopt such Means and Proceedings as a Mortgagee in Fee of Freehold Lands is entitled to for the enforcing Payment of such Principal Sums and Interest, with the like Right to obtain Payment of all attendant and incident Costs and Expenses; and the Lord shall have Power to distrain on the Lands in respect of which the said Sum or Sums shall be payable for the Purpose of recovering Payment of the Interest that shall be due thereon, as fully and in like Manner as if the same had been Rent in arrear.

Such Sums to
be first Charges
on the Lands.

LXXI. And be it enacted, That every such last-mentioned Sum by this Act charged on any Lands shall be a first Charge on such Lands, and shall have Priority over all Mortgages, Charges, and Incumbrances whatsoever affecting such Lands, Tithe Rent-charge excepted, notwithstanding such Mortgages, Charges, and Incumbrances shall have been or shall be respectively made and created before such Sums respectively shall be charged on such Lands.

Power to
mortgage.

LXXII. And be it enacted, That it shall be lawful for any Tenant whose Lands shall be enfranchised under this Act to charge the same (or any of them, provided he shall hold the whole thereof under the same Right and the same Estate,) with the Payment of such Sums as aforesaid (and the Costs of such Charges), and lawful Interest thereon respectively, to any Person who shall advance and lend such Sums on the Security of the Lands so to be charged, and his Executors, Administrators, and Assigns, and for securing the Payment thereof, with such Interest, to demise the said Lands by way of Mortgage for any Term of Years to the Person who shall lend such Sums, his Executors, Administrators, and Assigns, or to such other Person as he or they shall appoint, so as such Demise be made with a Proviso or Condition declaring that such Term shall be void on Payment of the Amount thereby secured, with Interest thereon, at a Time to be therein appointed; and such Charge shall have the like Priority with the original Charge under this Act, and with the Powers and Rights to which a first Mortgagee would as Mortgagee by Demise be entitled.

To whom
Monies for En-
franchisement
from Lords
Rights to be
paid; in case of
a limited Estate
or Disability,
the Money, if

LXXIII. And be it enacted, That all Monies to be paid under this Act for Enfranchisement from the Lord's Right shall be paid to the Lord of the Manor, his Heirs or Assigns, where he shall be absolutely seised as Tenant in Fee Simple in Possession of the Manor, or where, as Trustee for Sale or otherwise, he has Power to give an effectual Discharge for such Monies; and where such Lord for the Time being shall be only entitled for a limited Estate or Interest therein, or shall be under any legal Disability, such

Money, subject to any Allowance which may be made thereout in respect of deferred Payments herein-before mentioned, shall, in case the same shall in the whole amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The Copyhold Commissioners," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, therein remain, until the same shall, by Order of the said Court, made in a summary Way upon Petition to be presented to the said Court by the Person or Persons who would have been entitled to the Rents and Profits of the said Manor had no such Enfranchisement been made as aforesaid, be applied in the Purchase of or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Manor, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court, made in a summary Way as aforesaid, in the Purchase of Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes as the said Manor, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase can be made the same Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Manor had no Enfranchisement been made as aforesaid.

LXXIV. Provided always, and be it enacted, That if any Money to be paid for the Enfranchisement from the Lord's Rights shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, after such Allowance for deferred Payments as aforesaid, then the same shall, at the Option of the respective Parties for the Time being entitled to the said Manor the Right of which shall be enfranchised, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, be paid into the Bank of *England* in the Name and with the Privy of the said Accountant

amounting to 200*l.*, in certain Cases to be paid into the Bank of *England* under 1 G. 4. c. 35.

When less than 200*l.* and exceeding 20*l.*

Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed ; or otherwise the same may be paid, at the like Option, to Two Trustees, to be nominated by the respective Parties exercising such Option, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties ; and the Money so paid to such Trustees, and the Dividends and Produce so arising therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer.

When not
exceeding 20*l*.

LXXV. Provided also, and be it further enacted, That when any Money so to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds for all the Enfranchisements in such Manor, the same shall be paid, if the said Commissioners shall so direct, to the respective Parties for the Time being entitled to the said Manor, for his own Use and Benefit, or, in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid, for their Use, to their respective Husbands, Guardians, Committees, or Trustees ; and in case any Dispute shall arise as to the proper Application, Appropriation, or Investment of any Enfranchisement Money, according to the Intention of this Act, it shall be lawful for the said Commissioners to decide such Question, and their Decision shall be final and conclusive thereon.

In case En-
franchisement
Money be paid
to a Lord not
entitled thereto.

LXXVI. Provided always, and be it enacted, That if any Principal Money shall be paid for Enfranchisement to the Lord of any Manor not entitled by the Provisions of this Act to receive the same, the Land in respect of which such Principal Money shall have been so paid shall continue charged with the Payment thereof in favour of the Person legally or equitably entitled to the same, but with such Remedies against the Person who shall have wrongfully received such Money as Purchasers are entitled to by the Rules of Law or Equity.

Payments to
Stewards.

LXXVII. And be it enacted, That all Sums payable under this Act for Compensation to the Steward shall be paid to him, his Executors or Administrators.

Receipts to be
sufficient Dis-
charges.

LXXVIII. And be it enacted, That the Receipts of the Persons to whom any Sums of Money shall be paid pursuant to this Act shall be sufficient Discharges for the same, and the Person making such Payment shall not be liable to see to the Application of any such Sums, or be answerable for the Misapplication or Nonapplication thereof ; and for the better evidencing such Payment the Steward for the said Manor for the Time being shall, as to Steward's Compensation forthwith after Payment thereof, and as to the Payments for Enfranchisements from the Lord's Rights forthwith after Production of Receipt for the same, signed by the Party entitled to sign the same, enter on the Copy Apportionment to be deposited with him as aforesaid a Memorandum of such Payment, and which Memorandum shall, in like Manner as such Receipt, be deemed sufficient Evidence of such Payment, and discharge the Lands and the Person paying the same from the Sums mentioned to be paid.

LXXIX. And

LXXIX. And be it enacted, That from and after the final Confirmation of the Apportionment, in the Case of any Commutation under this Act, or upon the Execution of the Deed whereby any voluntary Commutation may have been effected, the several Lands included in such Commutation shall be held by Copy of Court Roll, and shall be conveyed by Surrender and Admittance, in all Cases in which the same shall have been previously so held and conveyed respectively, and in all other Cases shall be held and conveyed in such Manner as the same are now by Custom held and conveyed, and shall continue Parcel of the same Manors as such Lands would have been held of if such Commutation had not taken place, but the same Lands shall thenceforth cease to be subject to the Customs of Borough English or Gavelkind, or to any other Customary Mode of Descent, or to any Custom relating to Dower or Freebench or Tenancy by the Curtesy of *England*; and all the Laws relating to Descents, or to Estates of Dower, or Estates by the Curtesy of *England*, which shall for the Time being affect and be applicable to Lands held in Free and Common Socage, shall thenceforth affect and be applicable to the Lands included in every such Commutation: Provided always, that nothing herein contained as to Curtesy or Dower or Freebench shall extend or be applicable to the Case of any Husband or Widow who shall have been or shall be married before the final Confirmation of the Commutation Apportionment, or the Execution of such Deed as aforesaid, or to alter or lessen, or in any way affect, any Right which the Husband or Widow of any Person who shall be Tenant of a Manor at the Time of the Confirmation of the said Apportionment would or might have had if such Commutation had not been made.

After Confirmation of Apportionment, &c. in Cases of Commutation the Customary Modes of Descent to cease, and Lands to descend, subject to Dower and Curtesy, as Freehold Lands.

Proviso.

LXXX. Provided always, and it is hereby expressly enacted and declared, That nothing in this Act contained shall extend, or be held, deemed, or construed to extend, in any respect to affect, alter, or vary the Custom of Gavelkind as the same now exists and prevails in the County of *Kent*, but the same Custom shall in every respect prevail and continue to prevail and be exercised in the said County, in the same Manner and to the same Extent, in all Respects and Particulars, after this Act shall have passed, as it has prevailed and existed heretofore, any thing herein contained notwithstanding.

Gavelkind exempted from Operation of Act.

LXXXI. And be it enacted, That in the Case of any Enfranchisement under this Act, from and after the final Confirmation of the Apportionment, or the Execution of the Conveyance, (as the Case may be,) the several Lands therein respectively comprised and enfranchised shall become and be in all respects of Freehold Tenure, but subject to the Payment of the Enfranchisement Consideration in favour of the Lords and Steward or other Officer as aforesaid; and all Mortgages affecting the same shall be deemed and become Mortgages of the Freehold of the same Lands for a corresponding Estate, if such Enfranchisement Consideration shall be paid off, and if not so paid off, Mortgages of the Equity of Redemption thereof, subject to such Mortgage Interest as aforesaid for securing such Consideration: Provided always, that nothing herein contained shall operate to deprive any Tenant of any Commonable Right to which he may be entitled in respect

Lands to become Freehold, subject to the Payment of the Enfranchisement Consideration.

Commonable Rights to remain.

Proviso for
Mortgages,
Wills, &c.

of such Lands, but such Right shall continue attached thereto notwithstanding the same shall become Freehold: Provided also, that no such Enfranchisement or Conversion into Freehold shall affect, except as aforesaid, any Mortgage, or defeat the beneficial Limitations of any Will or Settlement theretofore executed, or alter the Descent or Distribution of any Estate or Interest in Land on the Decease of any Tenant or Person entitled thereto in Possession or Remainder at the Time of such Enfranchisement or Conversion.

Other Rights of
Lords not to
be affected.

LXXXII. And be it enacted, That no Commutation under this Act shall operate to affect any Rights of Lords of Manors to Escheats, Fairs, Markets, Appointments, Franchises, Royalties, Rights, Liberties, and Privileges of Chase and Free Warren, Hunting, Hawking, Fowling, and of chasing and killing Game and Beasts of Chase and Free Warren, and all ancient Piscaries, Fisheries, and Rights of Fishing, or any Rights in any Mines and Minerals or Quarries within or under the said Lands and Hereditaments, or any other Manorial Rights whatever, unless expressly commuted under this Act: Provided always, that nothing in this Act contained shall operate to authorize or empower any Lord of any Manor to enclose any Common or Waste Lands or any Part thereof.

Restrictions as
to this Act.

LXXXIII. And be it enacted, That nothing herein contained shall operate to prevent any Commutation or Enfranchisement which may be made independently of this Act; and that nothing in this Act contained shall revive any Right to Fines or other Manorial Claims which now or hereafter shall be barred by any Law in force for the Limitation of Actions or Suits.

Power to
Tenants to grant
Rights of Way,
&c. to Lords of
Manors for
Mining Pur-
poses.

LXXXIV. And be it enacted, That, in aid of the Reservation of the Lord's Rights in Mines and Minerals lastly herein-before contained, it shall be lawful for the Tenants, upon any Commutation or Enfranchisement under this Act, to grant to the Lord of the Manor such Rights of Entry and Way, and other Easements, in or upon and through their respective Lands, as may be requisite for the Purpose of enabling the said Lord, or his Agents or Workmen, the more effectually to win and carry away any Mines or Minerals under the Lands of such Tenants or any of them; and that, for the Purposes of such Grant, it shall be sufficient, in the Case of a Commutation, to state the Fact of such Grant, and the Consideration (if any) to be payable for the same, in the Agreement for Commutation; but in the Case of an Enfranchisement of Lands (subject to the Lord's Rights in Mines and Minerals) such Rights of Entry and Way, and other Easements, shall be reserved and granted in the Enfranchisement Conveyance.

Courts of
Equity may
decree a Par-
tition of Lands
of Copyhold or
Customary
Tenure.

LXXXV. 'And whereas it is expedient that Facilities should be afforded by Courts of Equity to Parties desirous of obtaining a Partition of their Lands of Copyhold or Customary Tenure, but Doubts are entertained whether by the Practice of such Courts the same can now be obtained;' be it enacted and declared, That, from and after the passing of this Act, it shall be lawful for any Court of Equity, in any Suit to be thereafter instituted therein for the Partition of Lands of Copyhold or Customary Tenure, to make the like Decree, for ascertaining the Rights of the

the respective Parties to the Suit in such Lands, and for the Issue of a Commission for the Partition of the same Lands, and the Allotment in Severalty of the respective Shares therein, as, according to the Practice of such Court, may now be made with respect to Lands of Freehold Tenure.

LXXXVI. And be it enacted, That, after the Thirty-first Day of *December* One thousand eight hundred and forty-one, it shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to hold a Customary Court for such Manor, notwithstanding at the Time of holding the same there shall not be any Person who shall hold Lands of such Manor by Copy of Court Roll, and also notwithstanding, if there shall at the Time of holding such Court be any Person or Persons who shall hold Lands of such Manor by Copy of Court Roll, there shall not be any such Person present at such Court, or there shall not be more than One such Person present at such Court; and every Court so holden shall be deemed and taken for all Purposes whatsoever to be a good and sufficient Customary Court: Provided always, that no Proclamation made at any Court so holden shall affect the Right, Title, or Interest of any Person not present at the same unless Notice of such Proclamation having been made shall be duly served, within One Month after such Meeting shall have been holden, on the Persons whose Right, Title, or Interest may be affected by such Proclamation.

LXXXVII. And be it enacted, That, after the Thirty-first Day of *December* One thousand eight hundred and forty-one, it shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to grant, at any Time and at any Place, either within or out of such Manor, and without holding a Court for such Manor, any Lands, Parcel of such Manor, to be held by Copy of Court Roll, or according to the Custom of the said Manor, which such Lord shall for the Time being be authorized or empowered to grant out to be held by Copy of Court Roll, or according to such Custom, so nevertheless that such Lands be granted for such Estate only, and to such Person only, as such Lord, Steward, or Deputy shall for the Time being be authorized or empowered to grant the same.

LXXXVIII. And be it enacted, That, after the Thirty-first Day of *December* One thousand eight hundred and forty-one, it shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to admit, at any Time and at any Place, either within or out of such Manor, and without holding a Court for such Manor, any Person as Tenant to any Lands, Parcel of such Manor, to be held by Copy of Court Roll, or according to the Custom of such Manor, to and for which such Person shall for the Time being be entitled to be admitted.

LXXXIX. And be it enacted, That, after the Thirty-first Day of *December* One thousand eight hundred and forty-one, every Surrender and Deed of Surrender which the Lord shall be compellable to accept or shall accept, and also every Will and Codicil a Copy of which respectively shall be delivered to the Lord of the Manor of which the Lands affected by such Surrender, Deed of Surrender, Will, and Codicil are Parcel, or to his Steward, or the Deputy of such Steward, either at any Court holden for such

Lords of Manors, or their Stewards, may, after 31st Dec. 1841, hold Customary Courts, although no Copyhold Tenant be present.

Lords, or Stewards, may, after 31st Dec. 1841, out of the Manors and out of Court, grant Lands to be held by Copy of Court Roll.

Lords, or Stewards, may, after 31st Dec. 1841, grant Admissions out of the Manors and out of Court.

After 31st Dec. 1841 every Surrender, &c. delivered to the Lord or Steward, and every Fact proved to the Lord or Steward, at any Court whereat a Homage shall

not be assembled, shall be forthwith entered on the Court Rolls.

Manor at which there shall not be any Homage assembled, or out of Court, and also every Grant and Admission by the Lord of any Manor, or his Steward, or the Deputy of such Steward, pursuant to this Act, shall be forthwith entered on the Court Rolls of the Manor by such Lord, or Steward, or Deputy; and every Entry made on the Court Rolls of any Manor pursuant to this present Clause shall for all Purposes whatsoever be deemed and taken to be an Entry made in pursuance of a Presentment made at a Court holden for such Manor by the Homage assembled thereat; and the Steward, or his Deputy, shall be entitled to the same Fees and other Charges for making such Entry on the Court Rolls as he would have been entitled to in respect of such Entry in case the same had been made in pursuance of a Presentment made at a Court holden for such Manor by the Homage assembled thereat.

After 31st Dec. 1841 Presentment by the Homage not essential to the Validity of an Admission.

XC. And be it enacted, That, after the Thirty-first Day of *December* One thousand eight hundred and forty-one, it shall not be essential in any Case to the Validity of the Admission of any Person, as Tenant of any Lands held of any Manor by Copy of Court Roll, or according to the Custom of such Manor, that a Presentment shall be made by the Homage assembled at any Court holden for such Manor of the Surrender, Will, or other Instrument, or Fact, in pursuance or in consequence of which such Admission shall have been granted.

Lords of Manors in certain Cases not to grant Common or Waste Lands without Consent of Homage of the Manor.

XCI. Provided always, and be it enacted, That where by the Custom of any Manor the Lord of such Manor is authorized, with the Consent of the Homage of such Manor, to grant any Common or Waste Lands of such Manor to be holden of the Lord by Copy of Court Roll, nothing in this Act contained shall operate to authorize or empower the Lord to grant any such Common or Waste Lands without the Consent of the Homage assembled at a Customary Court holden for such Manor, nor shall any Court holden for such Manor be deemed or taken to be a good or sufficient Customary Court for such Purpose unless the same shall have been duly summoned and holden according to the Custom of such Manor in such Cases used and accustomed before the passing of this Act, and unless there shall be present at such Court a sufficient Number of Persons holding Lands of such Manor by Copy of Court Roll to constitute according to such Custom a Homage assembled at such Court.

Power to Lords to grant Licences to Tenants to alienate their ancient Tenements in Portions, where they are now restrained by the Custom from so doing.

XCII. 'And whereas by the Custom of certain Manors the Lords are restrained from granting Licences to their Tenants to alienate their ancient Tenements otherwise than by Entireties; be it enacted, That from and after the passing of this Act it shall be lawful for any Tenant of any such Manor, by and with the Licence of the Lord of the Manor, or the Steward thereof, (which Licence such Lord is hereby authorized to give, or to empower the Steward to give, by any Writing under his Hand, to be afterwards entered upon the Rolls of the Manor,) to dispose of his ancient Tenement, or any Part thereof, by Devise, Sale, Exchange, or Mortgage, in such Parcel or Parcels as he shall think proper, but subject to the Payment of such Portion or Portions of the yearly Customary Lord's Rent payable for the whole of such ancient Tenements as shall be set and apportioned upon such Parcel

Parcel or Parcels by the Lord of the Manor of which such ancient Tenement is holden, or his Steward, or the Deputy of such Steward; and such Parcel or Parcels shall, except so far as the Tenure or Descent thereof shall be affected by this Act, be held of the Lord of the same Manor in all respects, and shall be from Time to Time conveyed in such Manner, as any such original Tenement has by Custom been held and conveyed.

XCIII. And be it enacted, That no Agreement, Award, Schedule of Apportionment, or Power of Attorney, made or confirmed or used under this Act, shall be chargeable with any Stamp Duty. Stamp Duty Exemptions.

XCIV. And be it enacted, That if any Person under the Provisions of this Act shall wilfully give false Evidence he shall be deemed guilty of Perjury; and if any Person shall make or subscribe a false Affidavit or Declaration for the Purposes of this Act he shall suffer the Penalties of Perjury; and if any Person shall wilfully refuse to attend in obedience to any lawful Summons of any Commissioner or Assistant Commissioner, or to give Evidence, or shall wilfully alter, withhold, destroy, or refuse to produce any Book, Deed, Contract, Agreement, Account, or Writing, Terrier, Map, Plan, or Survey, or any Copy of the same, which may be lawfully required to be produced before the said Commissioners or Assistant Commissioner, he shall be deemed guilty of a Misdemeanor. False Evidence to be deemed Perjury.

Withholding Evidence a Misdemeanor.

XCV. And be it enacted, That no Action or Suit shall be commenced against any Commissioner, Assistant Commissioner, Justice of the Peace, Valuer, Umpire, or Surveyor, for any thing done under the Authority of this Act, until Twenty-one Days Notice thereof shall have been given in Writing to the Party against whom such Action or Suit is intended to be brought, or after sufficient Satisfaction or Tender of Amends shall have been made to any Party aggrieved, or after Three Calendar Months shall have expired from the Commission of the Act for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried in the County or Place where the Cause of Action shall have arisen, and not in any other County or Place; and if it shall appear that such Notice of Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Amends were made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before limited in that Behalf, or such Action shall be laid in any County or Place other than as aforesaid, then the Jury shall find a Verdict for the Defendant therein, or the Court, upon summary Application by Motion in any such Suit, may dismiss the same against such Defendant; and if a Verdict shall be found for such Defendant, or such Suit shall be dismissed upon Application as aforesaid, or if the Plaintiff in such Action or Suit shall become nonsuit, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action or Suit Judgment shall be given for the Defendant therein, then such Defendant shall have Costs, Charges, and Expences as between Attorney and Client. Limitation of Actions against Commissioners, Assistant Commissioners, Justices, &c.

XCVI. And be it enacted, That no Order, Adjudication, or Proceeding made or had by or before the said Commissioners or any Assistant Commissioner under the Authority of this Act, or any Proceedings not to be quashed for Want of Form nor removed by Certiorari.

any Proceeding to be had touching any Offender against this Act, shall be quashed for Want of Form, or be removed or removeable by Certiorari or any other Writ or Process into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Certain Provisions of this Act to extend to Crown Manors and Lands;

XCVII. And be it enacted, That the Provisions of this Act enabling Tenants to grant Rights of Way or Entry and other Easements to the Lord of the Manor in or upon and through their respective Lands for Mining Purposes; for enabling Courts of Equity to decree a Partition of Lands of Copyhold or Customary Tenure; for enabling Lords of Manors or their Stewards to hold Customary Courts although no Copyhold Tenant be present, and for enabling Lords or their Stewards to make, out of the Manors and out of Court, Grants of Lands to be held by Copy of Court Roll; for enabling Lords or their Stewards to grant Admissions out of the Manors and out of Court; and for requiring every Surrender, Will, and Codicil, a Copy of which shall be delivered to the Lord or Steward, and every Fact proved to the Lord or Steward at any Court whereat a Homage shall not be assembled, to be forthwith entered on the Court Rolls; and determining that Presentment by the Homage shall not be essential to the Validity of an Admission, shall extend and apply to Manors or Lands vested in Her Majesty in right of Her Crown and the Duchy of *Lancaster*, and to any Enfranchisement of Lands held of such Manors to be effected under the Powers given by any existing Act or Acts of Parliament, and to the Stewards and Tenants for the Time being of such Manors.

but to apply only where expressly provided.

XCVIII. And be it enacted, That, subject as is herein-before expressly provided, nothing in this Act contained shall be taken to apply to any Manors or Hereditaments vested in Her Majesty in right of Her Crown or of the Duchy of *Lancaster*.

Act not to extend to the Duchy of Cornwall.

XCIX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to, or to prejudice or derogate from, the Estate, Right, Title, Interests, Privileges, or Authority of the Queen's most Excellent Majesty, Her Heirs and Successors, in right or in respect of Her Duchy of *Cornwall*, or the Possessions thereof, or of the Duke of *Cornwall* for the Time being, nor at any Time or Times be admitted in any Court of Law or Equity, or otherwise construed as Evidence upon any Occasion to be admitted against or to affect in any Manner such Estate, Right, Title, Interest, Privileges, or Authority of Her Majesty, Her Heirs and Successors, in right or in respect of Her said Duchy of *Cornwall* or the Possessions thereof, or of the Duke of *Cornwall* for the Time being.

Limits of Act.

C. And be it enacted, That this Act shall extend only to *England, Wales, and Ireland*.

Act may be amended, &c.

CI. And be it further enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Interpretation Clause.

CII. And be it enacted, That in the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Manor" shall extend to a Manor or reputed Manor, of whatever Tenure the same may be, or to such Portion or Portions of a Manor as the said Commissioners shall, by any Order in Writing under their

Hands and Seals, with the Consent of the Lord of the Manor, signified by Writing under his Hand and Seal, direct to be considered as a Manor for the Purpose of effecting any Commutation or Enfranchisement under this Act; the Words "Lord" and "Steward" shall include the Person or Persons for the Time being filling those respective Characters, or acting in those respective Capacities, whether those Persons shall be rightfully or lawfully entitled to fill such Characters or act in such Capacities, or not, and the Word "Steward" shall also include the Clerk of any Manor; the Words "Tenant" or "Tenants" shall comprise all Persons holding by Copy of Court Roll, or as Customary Tenants, or holding Lands subject to any Manorial Rights, and whether holden to them and their Heirs, or whether granted to Two or more to be holden in Succession, or holden for Life or Lives or Years; the Words "Land" or "Lands" shall extend to and comprise Lands holden by Copy of Court Roll, or by Custom of any Manor, and Lands holden of any Lord of a Manor in Ancient Demesne, and whether in Fee or for Life or Lives, or for Years, and shall also comprise all Lands holden of a Manor subject to any Manorial Rights, and shall extend to Messuages, Tenements, and corporeal or incorporeal Hereditaments subject to Manorial Rights, or any undivided Part or Share therein; the Word "Enfranchisement" shall extend to and include the Discharge of Freehold Lands from Heriots and other Manorial Rights; the Word "Heriots" shall include Money Payments in lieu thereof; the Word "Rents" shall include "Reliefs" and "Services," not being Service at the Lord's Court; and the Word "Person" shall mean and include any Body Politic or Corporate or Collegiate as well as an Individual; and every Word importing the Singular Number only shall mean and include several Persons or Parties as well as one Person or Party, and several Things as well as one Thing respectively and the converse; and every Word importing the Masculine Gender only shall mean and include a Female as well as a Male.

C A P. XXXVI.

An Act to amend an Act of the Fifth and Sixth Years of King *William* the Fourth, "for the more easy Recovery of Tithes;" and to take away the Jurisdiction from the Ecclesiastical Courts in all Matters relating to Tithes of a certain Amount. [21st June 1841.]

WHEREAS it is expedient to extend all the Provisions of an Act passed in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act for the more easy Recovery of Tithes*, to all Suits in the Ecclesiastical Courts hereafter to be commenced for the Recovery of any Tithes, Oblations, or Compositions of or under the yearly Value of Ten Pounds, and of any Great or Small Tithes, Moduses, Compositions, Rates, or other Ecclesiastical Dues or Demands whatsoever, of or under the Value of Fifty Pounds, withheld by any Quaker: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

5 & 6 W. 4. c. 74.

Provisions of recited Act as to Proceedings for Recovery of certain Tithes and other Ecclesiastical Dues extended to all Ecclesiastical Courts in England.

liament assembled, and by the Authority of the same, That from and after the passing of this Act all the Enactments and Provisions of the said recited Act passed in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, respecting Suits or other Proceedings in any of Her Majesty's Courts in *England*, in respect of Tithes, Oblations, and Compositions of or under the yearly Value of Ten Pounds, and of any Great or Small Tithes, Moduses, Compositions, Rates, or other Ecclesiastical Dues or Demands whatsoever, of or under the Value of Fifty Pounds, withheld by any Quaker, shall extend and be applied to all Ecclesiastical Courts in *England*.

C A P. XXXVII.

An Act for the more easy Recovery of Arrears of Compositions for Tithes from Persons of the Persuasion of the People called Quakers in *Ireland*. [21st June 1841.]

1 & 2 Vict. c. 109.

Arrears of Compositions for Tithes vested in Her Majesty under 1 & 2 Vict. c. 109. to be recovered from Quakers in like Manner as Rent-charges under that Act and 5 & 6 W. 4. c. 74.

‘**W**HEREAS by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in Ireland, and to substitute Rent-charges in lieu thereof*, the Right in and to certain Compositions for Tithes therein mentioned was vested in Her Majesty : And whereas it is expedient to make Provision, in manner herein-after mentioned, for the Recovery of such Compositions (without Limit as to the Amount thereof) from Persons of the Persuasion of the People called ‘Quakers ;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases in which the Person liable to the Payment of any Composition for Tithes, the Right in and to which shall have vested in Her Majesty under any of the Provisions of the said recited Act, shall be of the Persuasion of the People called Quakers, the same shall (without Limit as to the Amount) be recoverable by Her Majesty’s Attorney General for *Ireland*, in such Manner only as by an Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the more easy Recovery of Tithes*, is expressly or by reference prescribed for the Recovery of Ecclesiastical Demands of or under the Value of Fifty Pounds from Quakers in *Ireland*, but with a like Exception, as is contained in the said last-recited Act, in case the actual Title of Her Majesty to such Composition for Tithes, or the Amount thereof, or the Liability or Exemption of the Property to or from the same, shall be *bonâ fide* in question ; and in any Case, except as aforesaid, in which the Person so liable shall be of the Persuasion aforesaid, and any other Remedy or Proceeding than those expressly or by reference prescribed by the said last-mentioned Act has heretofore been or shall hereafter be commenced or prosecuted against him, it shall be lawful for him, or any one on his Behalf, to serve upon the said Attorney General a Declaration or Notice in Writing, stating that he is of the Persuasion aforesaid, and such other Remedy or Proceeding shall be thereupon forthwith discontinued, and the Costs previously incurred shall be taxed, and

and the said Attorney General shall proceed to recover such Composition by such Remedy as in the said last-recited Act is provided, and shall be entitled to recover therewith, and as Part thereof, the Costs of such Proceeding so discontinued; and such Notice shall be Evidence of the Liability of the Person by or on whose Behalf the same may have been given, and of his being of the Persuasion aforesaid: Provided always, that nothing herein contained shall affect the Validity of any Proceeding which shall have been instituted or commenced before the passing of this Act, unless and until such Declaration or Notice in Writing as aforesaid shall be served upon the said Attorney General: And provided further, that if upon any such Proceeding a sufficient Distress cannot be found to satisfy the said Composition for Tithes, and the Costs (if any), together with the reasonable Costs of Distress, then the other Remedies provided or allowed by the said recited Act of the First and Second Years of Her Majesty's Reign may be resorted to, in the same Manner as if the Persons liable to the Payment were not of the said Persuasion of People called Quakers: Provided also, that in no Case whatever shall any Execution or Decree or Order issue or be made in respect of any such Tithe Composition against the Person of any Defendant being of the Persuasion of the People called Quakers.

II. And be it enacted, That the Provisions made by the said recited Act of Her present Majesty for the Interpretation of certain Words and Expressions therein shall apply to and extend to the like Words and Expressions in this Act; and that the said recited Act and this Act shall be construed together as One Act.

Interpretation
Clause.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be
amended, &c.

C. A. P. XXXVIII.

An Act to afford further Facilities for the Conveyance and Endowment of Sites for Schools. [21st June 1841.]

WHEREAS it is expedient that greater Facilities should be given for the Erection of Schools and Buildings for the Purposes of Education: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act an Act passed in the Session held in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to facilitate the Conveyance of Sites for School-rooms*, shall be and the same is hereby repealed; provided that all Matters and Things done in pursuance of the said Act shall be and remain valid as though the said Act was not repealed; and all Matters and Things commenced in pursuance of the said Act shall be continued according to the Provisions of this Act, if the same shall be applicable, otherwise shall be continued conformably to the said recited Act, which shall be deemed to be still in force with regard to such Proceedings

Repeal of
6&7 W. 4. c. 70.;
but Things
done under it
declared valid,
and those com-
menced to be
continued under
this Act.

II. And

Landlords empowered to convey Land to be used as Sites for Schools, &c.

II. And be it enacted, That any Person, being seised in Fee Simple, Fee Tail, or for Life, of and in any Manor or Lands of Freehold, Copyhold, or Customary Tenure, and having the beneficial Interest therein, or in *Scotland* being the Proprietor in Fee Simple or under Entail, and in Possession for the Time being, may grant, convey, or enfranchise by way of Gift, Sale, or Exchange, in Fee Simple or for a Term of Years, any Quantity not exceeding One Acre of such Land, as a Site for a School for the Education of poor Persons, or for the Residence of the Schoolmaster or Schoolmistress, or otherwise for the Purposes of the Education of such poor Persons in religious and useful Knowledge; provided that no such Grant made by any Person seised only for Life of and in any such Manor or Lands shall be valid, unless the Person next entitled to the same in Remainder, in Fee Simple or Fee Tail, (if legally competent,) shall be a Party to and join in such Grant: Provided also, that where any Portion of Waste or Commonable Land shall be gratuitously conveyed by any Lord or Lady of a Manor for any such Purposes as aforesaid the Rights and Interests of all Persons in the said Land shall be barred and divested by such Conveyance: Provided also, that upon the said Land so granted as aforesaid, or any Part thereof, ceasing to be used for the Purposes in this Act mentioned, the same shall thereupon immediately revert to and become a Portion of the said Estate held in Fee Simple or otherwise, or of any Manor or Land as aforesaid, as fully to all Intents and Purposes as if this Act had not been passed, any thing herein contained to the contrary notwithstanding.

Chancellor and Council of the Duchy of Lancaster empowered to grant Lands to the Trustees of any existing or intended School.

III. ' And whereas it may be expedient and proper that the ' Chancellor and Council of Her Majesty's Duchy of *Lancaster*, ' on Her Majesty's Behalf, should be authorized to grant, convey, ' or enfranchise, to or in favour of the Trustee or Trustees of any ' existing or intended School, Lands and Hereditaments belonging ' to Her Majesty in right of Her said Duchy, for the Purposes of ' this Act;' be it therefore enacted, That it shall and may be lawful for the Chancellor and Council of Her Majesty's Duchy of *Lancaster* for the Time being, by any Deed or Writing under the Hand and Seal of the Chancellor of the said Duchy for the Time being, attested by the Clerk of the Council of the said Duchy for the Time being, for and in the Name of Her Majesty, Her Heirs and Successors, to grant, convey, or enfranchise, to or in favour of such Trustee or Trustees, any Lands and Hereditaments to be used by them for the Purposes of this Act, upon such Terms and Conditions as to the said Chancellor and Council shall seem meet; and where any Sum or Sums of Money shall be paid as or for the Purchase or Consideration for such Lands or Hereditaments so to be granted, conveyed, or enfranchised as aforesaid, the same shall be paid by such Trustee or Trustees into the Hands of the Receiver General for the Time being of the said Duchy, or his Deputy, and shall be by him paid, applied, and disposed of according to the Provisions and Regulations contained in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, or any other Act or Acts now in force for that

48 G. 3. c. 73.
If Lands cease to be used for

that Purpose: Provided always, that upon the said Land so granted as aforesaid, or any Part thereof, ceasing to be used for the Purposes in this Act mentioned, the same shall thereupon immediately revert to and become again a Portion of the Possessions of the said Duchy, as fully to all Intents and Purposes as if this Act or any such Grant as aforesaid had not been passed or made; any thing herein contained to the contrary notwithstanding.

the Purposes of the Act they shall revert.

IV. And be it enacted, That for the Purposes of this Act only, and for such Time only as the same shall be used for the Purposes of this Act, it shall be lawful for any Two of the principal Officers of the Duchy of *Cornwall*, under the Authority of a Warrant issued for that Purpose under the Hands of any Three or more of the special Commissioners for the Time being for managing the Affairs of the Duchy of *Cornwall*, or under the Hands of any Three or more of the Persons who may hereafter for the Time being have the immediate Management of the said Duchy, if the said Duchy shall be then vested in the Crown, or if the said Duchy shall then be vested in a Duke of *Cornwall*, then under the Hand of the Chancellor for the Time being of the said Duchy, or under the Hands of any Three or more of the Persons for the Time being having the immediate Management of the said Duchy, by Deed under their Hands, to grant and convey to the Trustees or Trustee for the Time being of any existing School, or of any School intended to be established by virtue of this Act, any Lands, Tenements, or Hereditaments forming Part of the Possessions of the said Duchy of *Cornwall*, not exceeding in the whole One Acre in any One Parish, upon such Terms and Conditions as to the said special Commissioners or Chancellor, or such other Persons as aforesaid, shall seem meet: Provided always, that upon the said Land so granted as aforesaid, or any Part thereof, ceasing to be used for the Purposes in this Act mentioned, the same shall thereupon immediately revert to and become again a Portion of the Possessions of the said Duchy, as fully to all Intents and Purposes as if this Act or any such Grant as aforesaid hath not been passed or made; any thing herein contained to the contrary notwithstanding.

Officers of the Duchy of Cornwall empowered, upon sufficient Authority, to grant Lands to the Trustees of any existing or intended School.

If Lands cease to be used for the Purposes of the Act they shall revert.

V. And be it enacted, That where any Person shall be equitably entitled to any Manor or Land, but the legal Estate therein shall be in some Trustee or Trustees, it shall be sufficient for such Person to convey the same for the Purposes of this Act without the Trustee or Trustees being Party to the Conveyance thereof; and where any Married Woman shall be seised or possessed of or entitled to any Estate or Interest, manorial or otherwise, in Land proposed to be conveyed for the Purposes of this Act, she and her Husband may convey the same for such Purposes by Deed, without any Acknowledgment thereof; and where it is deemed expedient to purchase any Land for the Purposes aforesaid belonging to or vested in any Infant or Lunatic, such Land may be conveyed by the Guardian or Committee of such Infant, or the Committee of such Lunatic respectively, who may receive the Purchase Money for the same, and give valid and sufficient Discharges to the Party paying such Purchase Money, who shall not be required to see to the Application thereof.

Persons under Disability empowered to convey Lands for the Purposes of this Act.

Corporations, Justices, Trustees, &c. empowered to convey Lands for the Purposes of this Act.

5 & 6 W. 4. c. 69.

7 G. 4. c. 18.

Grants of Land may be made to Corporations or Trustees, to be held by them for School Purposes.

VI. And be it enacted, That it shall be lawful for any Corporation, Ecclesiastical or Lay, whether Sole or Aggregate, and for any Officers, Justices of the Peace, Trustees, or Commissioners, holding Land for public, ecclesiastical, parochial, charitable, or other Purposes or Objects, subject to the Provisions next herein-after mentioned, to grant, convey, or enfranchise, for the Purposes of this Act, such Quantity of Land as aforesaid in any Manner vested in such Corporation, Officers, Justices, Trustees, or Commissioners: Provided always, that no Ecclesiastical Corporation Sole, being below the Dignity of a Bishop, shall be authorized to make such Grant without the Consent in Writing of the Bishop of the Diocese to whose Jurisdiction the said Ecclesiastical Corporation is subject: Provided also, that no parochial Property shall be granted for such Purposes without the Consent of a Majority of the Rate-payers and Owners of Property in the Parish to which the same belongs, assembled at a Meeting to be convened according to the Mode pointed out in the Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in England and Wales*, and without the Consent of the Poor Law Commissioners, to be testified by their Seal being affixed to the Deed of Conveyance, and of the Guardians of the Poor of the Union within which the said Parish may be comprised, or of the Guardians of the Poor of the said Parish where the Administration of the Relief of the Poor therein shall be subject to a Board of Guardians, testified by such Guardians being the Parties to convey the same; provided also, that where any Officers, Trustees, or Commissioners, other than parochial Trustees, shall make any such Grant, it shall be sufficient if a Majority or Quorum authorized to act of such Officers, Trustees, or Commissioners, assembled at a Meeting duly convened, shall assent to such Grant, and shall execute the Deed of Conveyance, although they shall not constitute a Majority of the actual Body of such Officers, Trustees, or Commissioners: Provided also, that the Justices of the Peace may give their Consent to the making any Grant of Land or Premises belonging to any County, Riding, or Division by Vote at their General Quarter Sessions, and may direct the same to be made in the Manner directed to be pursued on the Sale of the Sites of Goals by an Act passed in the Seventh Year of the Reign of His late Majesty George the Fourth, intituled *An Act to authorize the Disposal of unnecessary Prisons in England*.

VII. And be it enacted, That all Grants of Land or Buildings, or any Interest therein, for the Purposes of the Education of poor Persons, whether taking effect under the Authority of this Act or any other Authority of Law, may be made to any Corporation Sole or Aggregate, or to several Corporations Sole, or to any Trustees whatsoever, to be held by such Corporation or Corporations or Trustees for the Purposes aforesaid: Provided nevertheless, that any such Grant may be made to the Minister of any Parish being a Corporation, and the Churchwardens or Chapelwardens and Overseers of the Poor, or to the Minister and Kirk Session of the said Parish, and their Successors; and in such

Case

Case the Land or Buildings so granted shall be vested for ever thereafter in the Minister, Churchwardens or Chapelwardens, and Overseers of the Poor for the Time being, or the Minister and Kirk Session of such Parish, but the Management, Direction, and Inspection of the School shall be and remain according to the Provisions contained in the Deed of Conveyance thereof: Provided also, that where any Ecclesiastical Corporation Sole below the Dignity of a Bishop shall grant any Land to Trustees, other than the Minister, Churchwardens or Chapelwardens, and Overseers, for the Purposes aforesaid, such Trustees shall be nominated in Writing by the Bishop of the Diocese to whose Jurisdiction such Corporation shall be subject; provided that where any School shall be intended for any Ecclesiastical District not being a Parish as herein-after defined, it shall be sufficient if the Grant be made to the Minister and Church or Chapel Warden or Wardens of the Church or Chapel of such District, to hold to them and their Successors in Office; and such Grant shall enure to vest the Land, subject to the Conditions contained in the Deed of Conveyance, in such Minister and the Church or Chapel Warden or Wardens for the Time being.

VIII. 'And whereas Schools for the Education of the Poor in the Principles of the Established Church, or in Religious and useful Knowledge, and Residences for the Masters or Mistresses of such Schools, have been heretofore erected, and are vested in Trustees not having a Corporate Character;' be it therefore enacted, That it shall be lawful for the Trustees for the Time being of such last-mentioned Schools and Residences, not being subject to the Provisions of the Act passed in the last Session of Parliament, intituled *An Act for improving the Conditions and extending the Benefits of Grammar Schools*, to convey or assign the same, and all their Estate and Interest therein, to such Ministers and Churchwardens and Overseers of the Poor of the Parish within which the same are respectively situate, and their Successors as aforesaid, or, being situate within an Ecclesiastical District not being a Parish as herein-after defined, then to the Minister and Church or Chapel Wardens of the Church or Chapel of such District, and their Successors, in whom the same shall thereafter remain vested accordingly, but subject to and under the existing Trusts and Provisions respectively affecting the same.

IX. And be it enacted, That any Person or Persons or Corporation may grant any Number of Sites for distinct and separate Schools, and Residences for the Master or Mistress thereof, although the aggregate Quantity of Land thereby granted by such Person or Persons or Corporation shall exceed the Extent of One Acre; provided that the Site of each School and Residence do not exceed that Extent: Provided also, that not more than One such Site shall be in the same Parish.

X. And be it enacted, That all Grants, Conveyances, and Assurances of any Site for a School, or the Residence of a Schoolmaster or Schoolmistress, under the Provisions of this Act, in respect of any Land, Messuages, or Buildings, may be made according to the Form following, or as near thereto as the Circumstances of the Case will admit; (that is to say)

Estates now vested in Trustees for the Purposes of Education may be conveyed to the Minister and Churchwardens.

Any Number of Sites may be granted for separate Schools.

Form of Grants, &c.

'I [or

‘ I [or We, or the Corporate Title of a Corporation], under the
 ‘ Authority of an Act passed in the Year of the Reign
 ‘ of Her Majesty Queen *Victoria*, intituled *An Act for affording*
 ‘ *further Facilities for the Conveyance and Endowment of Sites*
 ‘ *for Schools*, do hereby freely and voluntarily, and without any
 ‘ valuable Consideration, [or do, in consideration of the Sum of
 ‘ to me or us or the said paid.]
 ‘ grant, [alienate,] and convey to all [Description
 ‘ of the Premises], and all [my or our or the Right, Title, and
 ‘ Interest of the] to and in the same and every
 ‘ Part thereof, to hold unto and to the Use of the said
 ‘ and his or their [Heirs, or Executors, or Administrators, or
 ‘ Successors,] for the Purposes of the said Act, and to be applied
 ‘ as a Site for a School for poor Persons of and in the Parish of
 ‘ and for the Residence of the Schoolmaster [or
 ‘ Schoolmistress] of the said School [or for other Purposes of the
 ‘ said School], and for no other Purpose whatever; such School
 ‘ to be under the Management and Control of [set forth the Mode
 ‘ in which and the Persons by whom the School is to be managed,
 ‘ directed, and inspected]. [In case the School be conveyed to
 ‘ Trustees, a Clause providing for the Renewal of the Trustees,
 ‘ and in Cases where the Land is purchased, exchanged, or demised,
 ‘ usual Covenants or Obligations for Title, may be added.] In
 ‘ witness whereof the conveying and other Parties have hereunto
 ‘ set their Hands and Seals, this Day of
 ‘ Signed, sealed, and delivered by
 ‘ the said in the Presence of
 ‘ of

And no Bargain and Sale or Livery of Seisin shall be requisite in any Conveyance intended to take effect under the Provisions of this Act, nor more than One Witness to the Execution by each Party; and instead of such Attestation such Conveyance of any Lands or Heritages in *Scotland* shall be executed with a testing Clause, according to the Law and Practice of *Scotland*; and, being recorded within Sixty Days of the Date thereof in the general Register of Seisins or particular Register for the County or Stewartry in which the Lands or Heritages lie, shall, without actual Seisin, be valid and effectual in Law to all Intents and Purposes, and shall be a complete Bar to all other Rights, Titles, Trusts, Interests, and Incumbrances to, in, or upon the Lands or Heritages so conveyed.

Application
 of Purchase
 Money for Land
 sold by any
 Ecclesiastical
 Corporation
 Sole.

XI. And be it enacted, That where any Land shall be sold by any Ecclesiastical Corporation Sole for the Purposes of this Act, and the Purchase Money to be paid shall not exceed the Sum of Twenty Pounds, the same may be retained by the Party conveying, for his own Benefit; but when it shall exceed the Sum of Twenty Pounds it shall be applied for the Benefit of the said Corporation, in such Manner as the Bishop in whose Diocese such Land shall be situated shall, by Writing under his Hand, to be registered in the Registry of his Diocese, direct and appoint; but no Person purchasing such Land for the Purpose aforesaid shall be required to see to the due Application of any such Purchase Money.

XII. And

XII. And be it enacted, That the Price of any Lands or Heritages to be sold for the Purposes of this Act by any Heir of Entail or other incapacitated Person or Persons in *Scotland* shall be applied and invested in such and the like Manner as is directed in relation to any Monies awarded to be paid for Lands or Heritages belonging to Heirs of Entail or incapacitated Persons under an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland*.

Application of Purchase Money for Lands sold in Scotland.

1 & 2W. 4. c.43.

XIII. And be it enacted, That when any Ecclesiastical Corporation Sole below the Dignity of a Bishop shall grant any Land belonging to him in right of his Corporation for the Purposes of this Act, he shall procure a Certificate, under the Hands of Three beneficed Clergymen of the Diocese within which the Land to be conveyed shall be situate, as to the Extent of the Land so conveyed, to be endorsed on the said Deed; which Certificate shall be in the Form following; (that is to say,)

**Ecclesiastical
Corporations to
procure a Cer-
tificate as to the
Extent of the
Land conveyed.**

WE, *A. B. Clerk, Rector of the Parish of*
C. D. Clerk, Rector of the Parish of
 and *E. F. Clerk, Vicar of the Parish of* being
 Three beneficed Clergymen of the Diocese of
 do hereby certify, That Clerk, Rector of the
 Parish of within the said Diocese of
 being about to convey a Portion of Land situate in the said
 Parish of for the Purposes of a School, under
 the Powers of the Act passed in the Year of the
 Reign of Her Majesty Queen *Victoria*, intituled *An Act for*
affording further Facilities for the Conveyance and Endowment
of Sites for Schools, we have at his Request inspected and
 examined the Portion of Land, and have ascertained that the
 same is situate at [*here describe the Situation*], and that the
 Extent thereof does not exceed Acre . As witness
 our Hands this Day of at
 in the County of and Diocese of .
 Witness of ;

Form of Certificate.

And until such Certificate shall have been signed no such Conveyance shall have any Force or Validity.

XIV. And be it enacted, That when any Land or Building shall have been or shall be given or acquired under the Provisions of the said first-recited Act or this Act, or shall be held in Trust for the Purposes aforesaid, and it shall be deemed advisable to sell or exchange the same for any other more convenient or eligible Site, it shall be lawful for the Trustees in whom the legal Estate in the said Land or Building shall be vested, by the Direction or with the Consent of the Managers and Directors of the said School, if any such there be, to sell or exchange the said Land or Building, or Part thereof, for other Land or Building suitable to the Purposes of their Trust, and to receive on any Exchange any Sum of Money by way of effecting an Equality of Exchange, and to apply the Money arising from such Sale or given on such Exchange in the Purchase of another Site, or in the Improvement of other Premises used or to be used for the Purposes of such Trust; provided that where the Land shall have been given by any Ecclesiastical

**Trustees em-
powered to sell
or exchange
Lands or
Buildings.**

siastical Corporation Sole the Consent of the Bishop of the Diocese shall be required to be given to such Sale or Exchange before the same shall take place: Provided also, that where a Portion of any Parliamentary Grant shall have been or shall be applied towards the Erection of any School, no Sale or Exchange thereof shall take place without the Consent of the Secretary of State for the Home Department for the Time being.

All Conveyances of Land under 6 & 7 W. 4. c. 70. to be deemed effectual for vesting the Fee Simple.

XV. 'And whereas in many Cases Conveyances of Land have been made, purporting to be made in pursuance of the Powers of the said first-recited Act, to the Minister or Incumbent and of the Churchwardens or Chapelwardens of certain Parishes or Places, as and for Sites of Schools or Houses of Residence for the Schoolmasters; and Doubts have been entertained whether such Conveyances are valid and effectual for the Purposes of conveying the Fee Simple, in consequence of the said Statute not containing any Words of Limitation to the Successors of such Persons;' be it therefore enacted, That all Conveyances whereby any Land shall have been conveyed to the Minister or Incumbent and the Churchwardens or Chapelwardens of any Parish or Place for the Time being, whether made to them as such Minister or Incumbent and Churchwardens or Chapelwardens, or to them and their Successors, shall be deemed and taken to have been and shall be valid and effectual for the Purpose of vesting the Fee Simple, or such other Estate as hath been proposed to be conveyed, in the Persons who from Time to Time shall be the Minister or Incumbent and the Churchwardens or Chapelwardens of such Place, such Minister being the Rector, Vicar, or Perpetual Curate, whether endowed or not, of the said Parish or Place.

Conveyances of Lands, &c. for Purposes of Education, not enrolled under 9 G. 2. c. 36., rendered valid if enrolled within 12 Months.

XVI. 'And whereas certain Lands or Buildings have been conveyed for valuable Consideration, upon Trust for the Purposes of the Education of the Poor, and through Inadvertence or other Causes the Deeds or Assurances conveying the same have not been enrolled in Chancery as required by the Act passed in the Ninth Year of the Reign of His late Majesty King George the Second, intituled *An Act to restrain the Disposition of Lands whereby the same become unalienable*, and by the said herein-before first-recited Act:' be it therefore enacted, That notwithstanding the said Provisions all such Conveyances shall be and remain valid for the Space of Twelve Calendar Months next ensuing the passing of this Act, and if enrolled in Chancery before the Expiration of that Time shall be and remain valid hereafter as if duly enrolled within the Time required by the Provisions of the said Acts: Provided nevertheless, that no Effect shall be given hereby to any Deed or other Assurance heretofore made, so far as the same has been already avoided by any Suit at Law or in Equity, or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity actually commenced for avoiding any such Deed or other Assurance, or for defeating the charitable Uses in Trust or for the Benefit of which such Deed or other Assurance may have been made.

Proviso for Deeds avoided in any Suit.

No Schoolmaster to acquire a Life Interest, &c.

XVII. And be it enacted, That no Schoolmaster or Schoolmistress to be appointed to any School erected upon Land conveyed under the Powers of this Act shall be deemed to have

acquired an Interest for Life by virtue of such Appointment, but shall, in default of any specific Engagement, hold his Office at the Discretion of the Trustees of the said School.

XVIII. And for the more speedy and effectual Recovery of the Possession of any Premises belonging to any School which the Master or Mistress who shall have been dismissed, or any Person who shall have ceased to be Master or Mistress, shall hold over after his or her Dismissal or ceasing to be Master or Mistress, be it enacted, That when any Master or Mistress, not being the Master or Mistress of any Grammar School within the Provision of the Act of the last Session of Parliament herein-after mentioned, holding any Schoolroom, Schoolhouse, or any other House, Land, or Tenement, by virtue of his or her Office, shall have been dismissed or removed, or shall have ceased to be Master or Mistress, and shall neglect or refuse to quit and deliver up Possession of the Premises within the Space of Three Calendar Months after such Dismissal or ceasing to be Master or Mistress, not having any lawful Authority for retaining such Possession, it shall be lawful for the Justices of the Peace acting for the District or Division in which such Premises are situated, in Petty Sessions assembled, or any Two of them, or for the Sheriff of the County in *Scotland*, and they are hereby required, on the Complaint of the Trustees or Managers of the said School, or some one of them, on Proof of such Master or Mistress having been dismissed or removed, or having ceased to be such Master or Mistress, to issue a Warrant under their Hands and Seals, or under the Hand of such Sheriff in *Scotland*, to some One or more of the Constables and Peace Officers of the said District or Division, or of the Sheriff's Officers in *Scotland*, commanding him or them, within a Period to be therein named, not less than Ten nor more than Twenty-one clear Days from the Date of such Warrant, to enter into the Premises, and give Possession of the same to the said Trustees or Managers or their Agents, such Entry and Possession being given in *England* in such Manner as Justices of the Peace are empowered to give Possession of any Premises to any Landlord or his Agent under an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy*.

Justices of the Peace or Sheriffs to give Possession of Schoolrooms, &c. in case of the Refusal of the Master.

1 & 2 Vict. c. 74.

XIX. ' And whereas by an Act passed in the last Session of Parliament, intituled *An Act to further amend the Church Building Acts*, Provision was made to enable Her Majesty's Commissioners for building new Churches to apply Land in any Parish granted to them for any of the Purposes of the Church Building Acts to any other Ecclesiastical Purposes, or for the Purpose of any parochial or charitable School, or any other charitable or public Purpose relating to any such Parish or Place : And whereas through an accidental Omission such Provision does not extend to Cases of Land granted by way of Gift ;' be it therefore enacted, That such Power so given to the said Commissioners, so far as it is applicable to the Purposes of any School, shall extend to every Case of Land granted, given, or conveyed to them under the Authority of the several Acts in the said Act recited.

Powers granted to the Commissioners under 3 & 4 Vict. c. 60. for applying Land to Ecclesiastical Purposes extended to Land granted by way of Gift.

Definition of
the Term
"Parish."

XX. And be it enacted, That the Term "Parish" in this Act shall be taken to signify every Place separately maintaining its own Poor, and having its own Overseers of the Poor and Church or Chapel Wardens.

Limits of Act.

XXI. And be it enacted, That this Act shall not extend to *Ireland*.

Act not to affect
1 & 2 Vict. c. 87.
or 3 & 4 Vict.
c. 48.

XXII. And be it enacted, That nothing herein contained shall repeal or affect an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Foundation and Endowment of additional Schools in Scotland*, or another Act passed in the last Session of Parliament, intituled *An Act to enable Proprietors of Entailed Estates in Scotland to feu or lease on long Leases Portions of the same for the building of Churches and Schools, and for Dwelling Houses and Gardens for the Ministers and Masters thereof*.

Act may be
amended, &c.

XXIII. And be it enacted, That this Act may be altered or amended by any Act to be passed in this Session of Parliament.

C A P. XXXIX.

An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for *England*.

[21st June 1841.]

6 & 7 W. 4. c. 77. ' **W**HEREAS an Act was passed in the Seventh Year of the
' Reign of His late Majesty, intituled *An Act for carrying*
' *into effect the Reports of the Commissioners appointed to consider*
' *the State of the Established Church in England and Wales, with*
' *reference to Ecclesiastical Duties and Revenues, so far as they*
' *relate to Episcopal Dioceses, Revenues, and Patronage*: And
' whereas another Act was passed in the last Session of Parliament,
3 & 4 Vict. c. 113. ' intituled *An Act to carry into effect, with certain Modifications,*
' *the Fourth Report of the Commissioners of Ecclesiastical Duties*
' *and Revenues*: And whereas it is expedient to explain and
' amend certain Provisions in the said Acts contained; be it there-
fore enacted by the Queen's most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Au-
thority of the same, That, notwithstanding any thing in either of
the said recited Acts contained, it shall be lawful for the Eccle-
siastical Commissioners for *England*, at any Meeting duly con-
vened according to the Provisions thereof, to continue and adjourn
such Meeting from Day to Day for any such Number of Days as
they shall deem necessary; and the Proceedings of the said Com-
missioners, and all Acts, Matters, and Things done and executed
by them, on each and every of such Days of Adjournment, shall
be as valid and effectual to all Intents and Purposes as if the same
had been done and executed on the First Day of such Meeting:
Provided always, that no Proceeding which requires to be ratified
and confirmed by the Common Seal of the Corporation shall be
finally concluded by the affixing of the said Seal on any such Day
of Adjournment, unless Notice of the Intention to propose such
Proceeding for final Consideration and Decision shall have been
sent together with every Notice issued for such First Day of
Meeting.

Commissioners
may adjourn
Meetings from
Day to Day.
6 & 7 W. 4. c. 77.
§ 4. & 3 & 4 Vict.
c. 113. § 82.

Proviso as to
confirming
Proceedings.

II. And for the Removal of all Doubts respecting the Foundation of Honorary Canonries, be it declared and enacted, That Honorary Canonries are and shall be founded forthwith in the Cathedral Churches of *Canterbury, Bristol, Carlisle, Chester, Durham, Ely, Gloucester, Norwich, Oxford, Peterborough, Ripon, Rochester, Winchester, and Worcester*, and in the Collegiate Church of *Manchester* so soon as the same shall become a Cathedral Church, and in no other Cathedral Church; and that all the Provisions of the secondly recited Act which purport to relate to Honorary Canonries shall apply to the Honorary Canonries so founded.

III. And be it enacted, That the holding of an Honorary Canonry, or of any Prebend, Dignity, or Office, not now in any Manner endowed, or whereof the Lands, Tithes, or other Hereditaments, Endowments, or Emoluments shall have been vested in the Ecclesiastical Commissioners for *England*, or which may hereafter be endowed to an Amount not exceeding Twenty Pounds by the Year, shall not be construed to prevent the holding therewith of more Benefices than One; and that no such Prebend, Dignity, or Office, which was vacant on the Thirteenth Day of *August* last, or became so at any Time since, shall be deemed to have lapsed by reason of such Vacancy, but hath remained and shall remain in the Patronage of the Archbishop or Bishop of the Diocese for the Time being until a Successor shall be collated thereto; and that every such Prebend, Dignity, or Office, which shall hereafter become vacant, and every such Honorary Canonry, shall in like Manner be and remain in the Patronage of the Archbishop or Bishop of the Diocese for the Time being until a Successor shall be collated thereto; any Royal Prerogative, Statute, Canon, or Usage to the contrary notwithstanding.

IV. 'And whereas it is not just that First Fruits and Tenths should be paid by the Holders of Dignities, Prebends, and Offices of which the Estates are vested in the said Ecclesiastical Commissioners, and it is inexpedient to diminish the Amount of the Fund accruing to the Governors of Queen *Anne's* Bounty in respect of such Prebends, Dignities, and Offices, and of Sinecure Rectories;' be it enacted, That the Holders of all Dignities, Prebends, and Offices, whereof the Lands, Tithes, Tenements, and other Hereditaments and Endowments shall have become so vested, shall be absolutely relieved and discharged from the Payment of all First Fruits and Tenths in respect of such their Dignities, Prebends, and Offices respectively; and that the said Commissioners shall yearly and every Year, on or before the Thirty-first Day of *March*, out of the Monies at their Disposal under the Provisions of the secondly recited Act, pay or cause to be paid to the Treasurer of the said Governors for the Time being a Sum equal to One Twentieth Part of the aggregate Amount charged for First Fruits on all Dignities, Prebends, Offices, and Sinecure Rectories, of which the Lands, Tithes, Tenements, or other Hereditaments or Endowments had on the last Day of the preceding *December* become so vested in the said Commissioners, as an average Compensation for, and in full Satisfaction of all Claim of the said Governors to, the First Fruits heretofore payable in respect thereof; and the said Commissioners

Cathedrals in which Honorary Canonries are founded.
3&4 Vict. c.113.
§ 23.

Honorary Preferment may be held with Two Benefices,
3&4 Vict. c.113.
§§ 23. 51., and shall not be subject to Lapse.

First Fruits and Tenths of vacated Prebends, &c.
3&4 Vict. c.113.
§§ 48, 49, 50, 51. 54.

shall also, subject to the Proviso herein-after contained, on or before the same Day of *March*, and out of the same Monies, pay or cause to be paid yearly and every Year to the said Treasurer for the Time being the aggregate Amount of the Tenths due to the said Governors for or in respect of all the same Dignities, Prebends, Offices, and Sinecure Rectories: Provided always, that nothing herein contained shall relieve any Person from the Payment of any Tenths which he is now bound to pay by any Covenant contained in any Lease held by him: Provided also, that in case of any Bishop being deprived by the Provisions of this Act of any Tenths heretofore receivable by him, the Amount thereof shall from Time to Time and out of the same Monies be paid or allowed to such Bishop by the said Commissioners.

Deans need not hold Prebends.

3&4 Vict. c. 113.
§ 24.

Commissioners to have same Claims as duly qualified Prebendaries.
3&4 Vict. c. 113.
§§ 49, 50, 51.

V. And be it declared and enacted, That the holding of a Canonry Residentiary, Prebend, or Office is not nor shall be necessary to the holding of the Deanery of any Cathedral Church in *England*, nor to the entitling of any Dean to his full Share of the divisible Corporate Revenues of such Church, although such Share may not heretofore have been received by any preceding Dean otherwise than as a Canon Residentiary; and that the holding of a Prebend is not nor shall be necessary to the holding of either of the Residentiary Canonries in the Cathedral Church of *Saint Paul* in *London* which are in the direct Patronage of Her Majesty.

VI. And be it declared and enacted, That the Provisions of the secondly recited Act and of this Act, by virtue of which any Lands, Tithes, or other Hereditaments, Endowments, or Emoluments belonging to any Dignity, Prebend, or Office, in any Cathedral or Collegiate Church, have accrued to and become vested in, or may accrue to or become vested in, the said Ecclesiastical Commissioners, do and shall be construed to extend to and include all Lands and Tenements, (except any House within the Precincts of such Church belonging to any Canonry or usually held and enjoyed therewith, or any small Portion of Land situate within the Limits and Precincts of any Cathedral or Collegiate Church, or in the Vicinity of any Residence House, which, under the Provisions of the secondly recited Act, may be reserved to such Church, or permanently annexed to any Residentiary House by the Authority in the same Act provided,) Tithes, or other Hereditaments, Endowments, and Emoluments, of what Nature or Kind soever, which, if the said secondly recited Act had not been passed, any Successor to such Dignity, Prebend, or Office would have been entitled to possess or receive, if duly qualified in all respects according to the Statutes and Usages of his Church to possess or receive the same, and if qualified and ready at all Times personally and duly to perform all the Duties and Services of such his Prebend, Dignity, or Office.

3&4 Vict. c. 113.
to apply to other non-residentiary Prebends, &c.
§§ 22, 51, 52, 53.

VII. And be it enacted, That all the Provisions in the said secondly recited Act and in this Act contained relating to Lands, Tithes, or other Hereditaments or Endowments belonging to Prebends not residentiary, shall apply also to all Lands, Tithes, and other Hereditaments and Endowments belonging to the respective Offices of Sacrist, Custos, and Hospitaller in any Cathedral or Collegiate Church, or enjoyed by the Holders thereof in right of such Offices, as fully and effectually as if such

such Offices had been expressly named as subject to such Provisions.

VIII. And be it enacted, That so much of the secondly recited Act as relates to the Application of certain Monies therein specified towards making a better Provision for the Cure of Souls in the respective Parishes of *Saint Margaret* and *Saint John, Westminster*, shall be repealed; and that it shall be lawful to apply such Monies towards making such better Provision in such Manner as by the Authority in the same Act provided shall be deemed best for the Spiritual Interests of the said Parishes respectively; provided that such Monies shall be exclusively applied within the respective Parishes with which the Canonries in the Collegiate Church of *Saint Peter Westminster* are connected, and from the Proceeds of which they respectively accrue; and that with respect to the Parish of *Saint John*, it shall also be lawful, by the like Authority, in the same Manner, to apply so much of the Monies paid over to the Ecclesiastical Commissioners for *England*, or to their Account, by the Treasurer of the Governors of the Bounty of *Queen Anne*, under the Provisions of the same Act, as came to his Hands by reason of the temporary Suspension of the Canonry in the said Church, to which is now annexed the Rectory of the said Parish of *Saint John*, together with any Interest which may have accrued thereon.

IX. And be it enacted, That, notwithstanding any thing in the said secondly recited Act contained, it shall be lawful by the Authority in the same Act provided, with the Consent of the Bishop of any Diocese, and of the Patron of any Benefice within the Limits of any Archdeaconry in such Diocese, to endow such Archdeaconry, by the Annexation thereto of such Benefice, such Annexation to take effect immediately if the Benefice be vacant at the Time of such Endowment, or otherwise upon the then next Vacancy thereof; and every Benefice so annexed, and every future Holder thereof, shall be subject to all the Provisions of an Act passed in the Second Year of Her present Majesty's Reign, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*: Provided always, that no such Annexation shall take effect as to any Archdeacon in possession at the passing of this Act, without his Consent; and in default of such Consent at the Time when any Benefice would otherwise so as aforesaid become annexed, or until such Consent be given, during the Incumbency of such Archdeacon, the Income and Emoluments of such Benefice shall, after due Provision thereout being made for the Cure of Souls in the Parish or District of such Benefice, be applied, by the like Authority, either in improving the existing House and Buildings, or in providing a new House of Residence for such Benefice, or in improving or augmenting the Glebe belonging thereto, or if no such Improvement or Augmentation be deemed necessary, then for the Benefit of any poor Benefice or Benefices within the same Archdeaconry.

X. And whereas it is by the thirdly recited Act provided, that 'nothing therein-before contained shall be construed to prevent 'any Archdeacon from holding, together with his Archdeaconry, 'Two Benefices, under the Limitations in the said Act mentioned

Application of certain Monies to Parishes of St. Margaret's and St. John's Westminster. 3&4 Vict. c. 113. § 31.

Archdeacons may be endowed with Benefices. 3&4 Vict. c. 113. §§ 34, 35.

1&2 Vict. c. 106.

The Provision in 1 & 2 Vict. c. 106. as to Archdeacons holding Two Benefices, to

extend to
Peculiars.

‘ with respect to Distance, joint yearly Value, and Population, and
‘ One of which Benefices shall be situate within the Diocese of
‘ which his Archdeaconry forms a Part, or One Cathedral Pre-
‘ ferment in any Cathedral or Collegiate Church of the Diocese
‘ of which his Archdeaconry forms a Part, and One Benefice
‘ situate within such Diocese: And whereas Doubts are entertained
‘ whether the said Provision includes Benefices of peculiar or
‘ exempt Jurisdiction, and it is expedient that such Doubts should
‘ be removed;’ be it therefore enacted, That the said Provision
shall extend and apply to Benefices locally situate within the
Diocese of which any such Archdeaconry shall form a Part,
although the same may not be subject to the Jurisdiction of the
Bishop of such Diocese.

Endowment
may be disan-
nexed from one
Archdeaconry,
and annexed to
another.

XI. And be it enacted, That any Canonry or Portion of the
Income of a Canonry or Benefice annexed to any Archdeaconry
under the Provisions of the secondly recited Act or this Act may
at any Time, upon the Representation of the Bishop of the
Diocese, and by the Authority in the said secondly recited Act
provided, be disannexed from such Archdeaconry on the Vacancy
thereof, and annexed to any other Archdeaconry in the same
Diocese.

Further Provi-
sions respecting
Southwell.
3&4 Vict. c. 113.
§§ 18. 36. 41.

XII. And be it enacted, That so much of the said secondly
recited Act as relates to the Archdeacon of *Nottingham* and to the
Parish of *Southwell* shall be repealed; and that the Bishop of
Lincoln, and not the Archbishop of *York*, shall from henceforth
be the Visitor of the Collegiate Church of *Southwell*, and shall
enjoy all Powers now vested in the said Archbishop as such
Visitor; and that, notwithstanding any thing in the said secondly
recited Act contained, no Appointment shall be made to any
Canonry or Prebend in the said Collegiate Church, but that so
soon as every Person who was a Member of the Chapter thereof
at the passing of the same Act shall have ceased to be such
Member, all Lands and Tenements, Tithes, and other Heredita-
ments belonging to the said Church or the Chapter thereof, except
any Right of Patronage, shall, without any Conveyance or Assu-
rance in the Law other than the Provisions of this Act, accrue to
and be vested in the Ecclesiastical Commissioners for *England*,
and their Successors, for the Purposes of the secondly recited
Act and of this Act; and that out of the Lands Tenements,
Tithes, and other Hereditaments and Endowments which shall
so accrue to the said Commissioners, or the Proceeds thereof,
competent Provision shall be made, by the Authority in the said
secondly recited Act provided, and in such Manner as shall be
by such Authority deemed expedient, for the Services of the said
Church of *Southwell*, and for the Maintenance and Reparation of
the Fabric of the said Church, and for any Minor Canon or Officer
thereof; and that the Patronage of all Benefices with Cure of
Souls possessed by the said Chapter shall be transferred to and
vested partly in the Bishop of *Ripon* and partly in the Bishop of
Manchester, subject to the same Provisions as are in the said
secondly recited Act contained with respect to Benefices in the
Patronage of the Prebendaries of the said Collegiate Church;
and that so soon as conveniently may be, and by the like Autho-
rity, and out of the same Lands, Tenements, Tithes, or other
Here-

Hereditaments or Endowments, or the Proceeds thereof, or out of any other Lands, Tithes, or other Hereditaments or Endowments now or in the meantime vested in the said Commissioners, or any Emoluments already accrued or hereafter accruing to them in respect of the Canonries or Prebends of the said Church, Provision shall be made for the Spiritual Care of the said Parish of *Southwell*, and for the competent Endowment of Ministers in the several Parishes within the Deanery of *Southwell*, wherein any of such Lands, Tenements, Tithes, and Hereditaments are respectively situate or arise; and the Vicarage of *Southwell* shall be endowed with such Portion of the Tithes of the Parish of *Southwell*, or with such other Provision, as by the like Authority may be determined on, and may be constituted a Rectory with Cure of Souls; and that on the then next Avoidance thereof the Archdeacon of *Nottingham* for the Time being shall become *ipso facto* Rector of the said Rectory, and the said Rectory shall thenceforth be permanently annexed to the Archdeaconry of *Nottingham*: Provided always, that the said Rectory of *Southwell* and the Incumbent thereof shall continue subject to all the Provisions of the thirdly recited Act passed in the Second Year of Her present Majesty's Reign.

XIII. 'And whereas Inconvenience arises from the Mode in which certain Property is now held partly by the Bishop and partly by the Dean and Chapter of *Durham* in Trust for the University of *Durham*:' be it enacted, That it shall be lawful, by the Authority in the said secondly recited Act provided, with the Consent of the said University, and also of the said Bishop or of the said Dean and Chapter, as the Case may be, to make any such Arrangements as may be deemed fit by the like Authority for varying, transferring, or annulling any of the Trusts upon which any Monies or Securities for Money, or any Lands, Tenements, Tithes, or other Hereditaments, are now held for the Benefit of the said University, and for transferring and vesting such Monies, Securities for Money, Lands, Tenements, Tithes, or other Hereditaments, or any Part thereof, in such other Manner and in such other Persons or Body Corporate as may be deemed by the like Authority most beneficial to the said University; and that the said University of *Durham* may, by the Name of "The Warden, Masters, and Scholars of the University of *Durham*," take and purchase and hold Lands, Tenements, Tithes, and other Hereditaments to them and their Successors, the Statutes of Mortmain or any other Act or Acts to the contrary notwithstanding; and that, when the Lands, Tenements, Tithes, or other Hereditaments, Monies or Securities for Money, or any Part thereof, now held by the said Bishop or by the said Dean and Chapter in Trust for the said University, shall be vested, by the Authority aforesaid, in the said Warden, Masters, and Scholars, they shall have and enjoy all the Powers of Sale, of Purchase, of holding in Mortmain, of leasing, of Management, of applying the Principal Monies, and the Rents, Dividends, and Interest thereof, or of such Part thereof as shall be vested in them, in as full and ample Manner as the said Dean and Chapter now have and enjoy the same Powers by virtue of an Act passed in the Third Year of

Durham University Trusts.
3&4 Vict. c. 113.
§ 37.

2 & 3 W. 4. c. 19.
(Private.)

the Reign of His late Majesty, intituled *An Act to enable the Dean and Chapter of Durham to appropriate Part of the Property of their Church to the Establishment of a University in connexion therewith for the Advancement of Learning*; and that it shall be lawful for all Bodies Corporate, Aggregate, or Sole, and all other incapacitated Persons named in the said Act, to sell and convey to the said Warden, Master, and Scholars, and their Successors, all such Lands, Tenements, and Hereditaments as by the said Act they are enabled to sell and convey to the said Dean and Chapter, and in such Manner and by such Conveyances and Assurances as in the said Act are mentioned; and that it shall be lawful for the said Warden, Masters, and Scholars to apply the Building Fund to the Payment of Expences already incurred by the said University in erecting and completing, altering, repairing, or improving any Building for the Use of the said University, or for the Use of any Person or Persons for whom the said University was or is bound to provide any Office or Building under an Order of Her Majesty in Council bearing Date the Nineteenth Day of *July* One thousand eight hundred and thirty-seven, relating to the Castle of *Durham*, and to the Erection and Completion, Alteration, Reparation, or Improvement of any Building erected or to be erected, not only on Land now vested in the said Dean and Chapter, but also on Land now vested in the said Bishop in Trust for the said University, or on Land to be hereafter acquired by the said Warden, Masters, and Scholars for any of the foregoing Uses; and that it shall be lawful, by the like Authority, with the Consent of the said University, and also of the said Bishop and of the said Dean and Chapter, to transfer to the said Warden, Masters, and Scholars the Whole or any Part of the Powers relating to the Government of the said University, and the Order and Discipline to be observed therein, which are now vested by the last-mentioned Act in the said Dean and Chapter.

St. David's,
Llandaff, and
Brecon.
3 & 4 Vict. c. 113.
§§ 38, 39, 40.

XIV. And be it enacted, That so much of the said secondly recited Act as relates to the Division and Application of the existing Corporate Revenues of the Chapters of the Cathedral Churches of *Saint David* and *Llandaff* respectively, and to the Application of the Endowments belonging to the Prebends in the Collegiate Church of *Brecon*, shall be and the same is hereby repealed.

Amendments
relating to
Minor Canons.
3 & 4 Vict. c. 113.
§§ 44, 45, 46.

XV. And be it declared and enacted, That, notwithstanding any thing in the secondly recited Act contained, any Minor Canon in any Cathedral or Collegiate Church may take and hold, together with his Minor Canonry, any Benefice which is within the Distance prescribed by the said Act; and that in every Case in which any Dean before the passing of the same Act enjoyed a Right, as such Dean, to appoint any Minor Canon, nothing therein contained shall be construed to deprive him or his Successors thereof; and that, in the Construction of the same Act and of this Act, the Term "Minor Canon" shall not be construed to extend to or include any other than a Spiritual Person.

§ 93.

Constitution of
a Chapter.
3 & 4 Vic. c. 113.
§ 47.

XVI. And be it enacted, That in every Cathedral Church in which any Canonry or Canonries is or are or shall be suspended, a Majority of the existing Members of Chapter, including or not including the Dean, according as his Presence may or may not be by

by Law, required, shall at all Times be a sufficient Number of Canons for constituting a Chapter.

XVII. And be it enacted, That so much of the secondly recited Act as relates to the Purchase, by the Ecclesiastical Commissioners for *England*, of Ecclesiastical Rectories without Cure of Souls, shall be construed to extend and apply to any Ecclesiastical Rectory which shall by the Archbishop of the Province and the Bishop of the Diocese be certified to be, and shall by the said Commissioners be deemed to be, an Ecclesiastical Rectory without Cure of Souls, although there shall be no Vicarage endowed or Perpetual Curacy belonging thereto or connected therewith; provided that when any such Ecclesiastical Rectory purchased by the said Commissioners shall have become suppressed under the Provisions of the same Act, the whole, if it be deemed necessary, or such Part as shall be deemed necessary by the said Commissioners, of the Lands, Tithes, or other Endowments belonging to such Rectory, and of the Proceeds thereof, shall, by the Authority in the same Act provided, be set apart and applied towards the Spiritual Care of the Population of the Parish or District in which such Lands, Tithes, or other Endowments are situate or accrue, in such Manner as by the like Authority shall be deemed expedient.

Sinecure Rectories in Private Patronage. 3&4 Vict. c. 113. § 48.

XVIII. And be it enacted, That the Provisions of the secondly recited Act relating to the Disposal of Residence Houses, and Houses attached to any Dignity, Prebend, or Office in the Precincts of the respective Cathedral and Collegiate Churches, and also so much of an Act passed in the Second Year of the Reign of His late Majesty as annexes to the Archdeaconry of *Durham* the House of Residence therein mentioned, shall be repealed; and that the Dean and Chapter of any Cathedral or Collegiate Church, with the Consent of their Visitor, may from Time to Time sanction and confirm the Exchange of Houses of Residence, or of Houses attached to any Dignities, Offices, or Prebends in the Precincts of such Church, among the Canons of such Church, or may make any such Arrangement to take effect at any future Time, or may assign any One of such Houses being vacant to any Canon willing to accept the same in lieu of the House theretofore occupied by him, and thereupon any House no longer required by any Canon may by the said Dean and Chapter be disposed of, in such Way as they shall deem fit, with the Consent of their Visitor, and of the Ecclesiastical Commissioners for *England*, signified under their Common Seal; provided that all Acts, Matters, and Things relating to any such House already done under the last-mentioned Provisions of the said secondly recited Act shall be valid and effectual to all Intents and Purposes.

Disposal of Residence Houses. 3&4 Vict. c. 113. § 58. 2&3 W. 4. c. 10. (Pr.)

XIX. And be it declared and enacted, That the Provisions of the secondly recited Act which purport to relate to the Endowments belonging to the suspended Prebends in the Cathedral Church of *Lichfield* were intended to apply and do apply to all the Lands and Tenements, Tithes, and other Hereditaments and Endowments, which are or are to be vested in the said Ecclesiastical Commissioners, by or under the Provisions of the said Act, by reason of the Vacancy of any Canon Residentiary, or of any Prebend, Dignity, or Office not residentiary, in the said Church.

Correction of Error as to Endowments of Lichfield Prebends. 3&4 Vict. c. 113. § 63.

XX. And

Enlarged Dis-
cretion as to
Mode of fixing
Incomes.
3&4 Vict. c.113.
§§ 52. 66.

XX. And be it declared and enacted, That, notwithstanding any thing in the secondly recited Act contained relating to the Payment of fixed annual Sums by certain Deans and Canons, and the Payment of other annual Sums to certain Deans and Chapters therein respectively named or referred to, or relating to the Transfer of Parts of the Lands, Tithes, or other Hereditaments therein specified to the Chapters of *York, Chichester, Exeter, Hereford, Lichfield, Salisbury, and Wells* respectively, for the Purposes therein respectively specified, it shall be lawful, by the Authority in the same Act provided, to carry such Purposes or any of them into effect by any Mode of Payment, Contribution, Augmentation, or Endowment which may be deemed fit, as well as by the Modes in the said Act specified; and that the Scale of Payments and Receipts may from Time to Time in any Case be revised and, if need be, varied by the like Authority, so as to preserve, as nearly as may be, the intended average annual Incomes respectively, but not so as to affect any Dean or Canon in possession at the Time of making any such Variation.

Powers of
Exchange, &c.
extended to all
Corporations
Sole.
3&4 Vict. c.113.
§ 68.

XXI. And be it declared and enacted, That the Provisions of the secondly recited Act relating to the Sale, Transfer, or Exchange of any Lands, Tithes, or other Hereditaments, the Purchase of other Lands, Tithes, or other Hereditaments in lieu thereof, or the Substitution of any Lands, Tithes, or other Hereditaments for any Money Payment, do and shall extend to authorize the Substitution of any Money Payment for any Lands, Tithes, or other Hereditaments, and do and shall include and apply to all Lands, Tithes, or other Hereditaments in the Possession or Enjoyment of any Dean, Canon, Prebendary, or other Dignitary or Officer of any Cathedral or Collegiate Church or in the Possession of the Ecclesiastical Commissioners for *England*; and the Consent in Writing under the Hand only of any such Dean, Canon, Prebendary, or other Dignitary or Officer, shall be deemed to be a Consent within the Meaning of the said Act.

3&4 Vict. c.113.
§73. to authorize
Exchange of
Advowsons by
Ecclesiastical
Corporations.

XXII. And be it declared and enacted, That it is and shall be competent to the Authority in the first-recited Act provided to make Arrangements, under and according to the Provisions of the said Act, for improving the Value or making a better Provision for the Spiritual Duties of ill-endowed Parishes or Districts, by means of the Exchange of Advowsons, or other Alterations in the Exercise of Patronage, notwithstanding that such Advowsons, or any or either of them, or such Patronage, shall be vested in or belong to any Ecclesiastical Corporation Aggregate or Sole.

Exchanges of
Advowsons
may be made
for the Purpose
of Unions.
1&2 Vict. c. 106.
§ 16.

XXIII. And be it enacted, That whenever it shall be made to appear to the Ecclesiastical Commissioners for *England* that it would be expedient to make an Exchange of an Advowson, or of any Right of Patronage, for any other Advowson or Right of Patronage, with a view to Proceedings being taken for the Union of Two or more Benefices under the Provisions of the said Act, passed in the Second Year of Her present Majesty's Reign, it shall be lawful for the said Commissioners, with the Consent of the Patron or Patrons of every such Advowson or Right of Patronage and also, in case any such Advowson or Right of Patronage shall be vested in or belong to any Ecclesiastical Corporation Aggregate or Sole, with the Consent of the Bishop of the Diocese, or in the

Case of Benefices lying in more than One Diocese then with the Consent of the Bishop of each Diocese, and where a Bishop shall be himself one of the Patrons with the Consent of the Archbishop of the Province, to certify the same to such Archbishop; and that thereupon, if the said Archbishop shall think fit, Proceedings may be taken, under and in pursuance of the Provisions of the said last-mentioned Act, for effecting the Union of such Benefices; and the said Archbishop, at the same Time that he shall certify to Her Majesty in Council the Inquiry and Consent referred to in the same Act, shall transmit such Certificate of the said Commissioners to Her Majesty in Council, together with an Abstract of the Title to any Advowson or Right of Patronage mentioned in the Certificate of the said Commissioners, other than Advowsons or Rights of Patronage belonging to any such Ecclesiastical Corporation as aforesaid, and the Opinion of Counsel on such Title; and that thereupon it shall be lawful for Her Majesty in Council, in any Order for such Licence made and issued under the Provisions of the same Act, to order that such Exchange as aforesaid shall take effect; and upon such Order being made and registered pursuant to the said Act the said Exchange shall be valid and effectual, without any other Assurance in the Law, and notwithstanding that the Advowsons or Rights of Patronage, or any or either of them, exchanged by virtue of the said Order, were or was previously thereto vested in or belonged to any such Ecclesiastical Corporation as aforesaid; and the respective Exchanges, their Heirs, Appointees, Successors, and Assigns, shall thenceforth stand seised of the Advowsons or Rights of Patronage so taken in Exchange, in the same Manner, to all Intents and Purposes, and subject to the same Trusts, Powers, Limitations, Charges, and Incumbrances (if any), as the Advowsons or Rights of Patronage by them given in Exchange were respectively held and were subject.

XXIV. And be it declared and enacted, That all the Provisions relating to the Consent of Patrons of Benefices, contained in the thirdly recited Act passed in the Second Year of the Reign of Her present Majesty, shall be construed to apply to the Consent of Patrons under the Provisions of the secondly recited Act and of this Act, as fully and effectually as if the same had been therein and herein repeated and enacted respecting the Patrons of Benefices affected by such secondly recited Act and this Act.

XXV. And be it enacted, subject to the Provisions of the said secondly recited Act with respect to the Interests of existing Incumbents, That in the Queen's Free Chapel of *Saint George* within Her Castle of *Windsor*, so soon as a Vacancy shall occur in the Deanery, the Share of the divisible Corporate Revenues from Time to Time payable to each Canon appointed after the passing of the same Act, and to the Ecclesiastical Commissioners for *England* in respect of each suspended Canonry, shall be One Fourteenth Part of the whole of such Revenues, and the Remainder thereof shall be paid to the Dean; and in the Cathedral Church of *Lincoln*, so soon as the Chapter thereof shall entirely consist of a Dean and Canons appointed after the passing of the said secondly recited Act, the whole divisible Corporate Revenues shall from Time to Time be divided into Six Shares, and Two of such Shares shall be paid to the Dean, and One of such Shares shall be paid to each

Canon;

Patrons Consent how given.

1&2 Vict. c. 106.

§§ 125 to 128.

3&4 Vict. c. 113.

§ 71, 72, 73, 74.

Division of Corporate Revenues at Windsor and Lincoln.

3&4 Vict. c. 113.

§ 75.

Augmentations under 1 & 2 W. 4. c. 45. may be made by all Corporations Sole; 3 & 4 Vict. c. 113. § 76.; and Building Land may be let or sold for the Purpose.

Canon; and in the meantime such Revenues may be so apportioned by the Authority in the said secondly recited Act provided as to afford just Shares thereof to the new Members of Chapter.

XXVI. And be it declared and enacted, That the Provisions of the secondly recited Act respecting the Augmentations of Benefices under the Provisions of an Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to extend the Provisions of an Act passed in the Twenty-ninth Year of the Reign of His Majesty King Charles the Second, intituled 'An Act for confirming and perpetuating 'Augmentations made by Ecclesiastical Persons to small Vicarages 'and Curacies;'* and for other Purposes, therein recited, do and shall extend and apply to every Dean, Canon, Prebendary, or other Dignitary or Officer whose Revenues are or may be affected by any of the Provisions of the said Two first-recited Acts, or either of them, or of this Act; and if for the Purpose of more fully carrying into effect the Provisions of the said Act relative to Augmentations it shall appear to the said Commissioners and to any Bishop or Chapter to be expedient that any Land belonging to such Bishop or Chapter adjacent to or situate within the Distance of Twenty Miles from any City or Town should be let or sold for Purposes of Building or other Improvement, it shall be lawful for such Bishop or Chapter, as the Case may be, with the Consent of the said Commissioners under their Common Seal, to grant any Lease or Leases of such Land for such Period or Periods and upon such Conditions as the said Commissioners, having regard to the Circumstances of the Case, shall deem just and equitable, or, with the like Consent, to convey the said Land in Fee Simple for such Price as shall appear to the said Commissioners to be the full Value thereof; provided that the Rent in the former Case, or the Purchase Money in the latter Case, after reserving to the Bishop or Chapter, as the Case may be, an annual Payment equal to the Amount theretofore enjoyed in respect of the Land so let or sold, shall be wholly applied to the Purposes of the said last-mentioned Act, the Consent of the said Commissioners being in all Cases necessary to the particular Application thereof: Provided also, that if it be deemed expedient with a view to the better effecting of such Purposes, such Rent or Purchase Money, or any Part thereof, may, with the like Consent, be at any Time reinvested in the Purchase of Land.

Commissioners may pay Agents, &c.

XXVII. And be it enacted, That it shall be lawful for the Ecclesiastical Commissioners for *England*, out of the Revenues accruing to them under the said recited Acts respectively or this Act, to pay and defray all necessary Law Charges, and to make any such Allowance for Costs, Charges, Expences, Pains, and Trouble, as to the said Commissioners shall appear just and reasonable, to any Person employed by them in receiving or paying any Monies accruing to them, or in auditing any Accounts relating thereto, or in surveying, valuing, or performing any other Duty relating to or connected with the Possession or Management of any Lands, Tithes, or other Hereditaments vested in them the said Commissioners, or relating to or connected with any other Matter or Thing to be done or executed under the Authority of the said recited Acts, or either of them, or of this Act.

XXVIII. And

XXVIII. And be it enacted, That nothing in this Act contained shall, except as herein-after specified, extend or apply to the Dioceses or Cathedral Churches of *Saint Asaph* and *Bangor* or either of them; and that an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in England and Wales*, and another Act passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories*, and such Parts of another Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to suspend, until the First Day of August One thousand eight hundred and forty, certain Cathedral and other Ecclesiastical Preferments, and the Operation of the new Arrangement of Dioceses upon the existing Ecclesiastical Courts*, as relate to the Two last-mentioned Acts, so far only as the same Acts and Parts of an Act apply to the said Two last-mentioned Dioceses and Churches, or either of them, and also the temporary Provisions of the first herein recited Act, shall respectively continue and be in force until the First Day of *August* in the Year One thousand eight hundred and forty-two, and, if Parliament shall be then sitting, until the End of the then Session of Parliament: Provided always, that notwithstanding any thing in the same Acts, or any or either of them, or in this Act contained, it shall be lawful for the Bishop of *Bangor* for the Time being to collate to any vacant Canonry, Prebend, Dignity, or Office in the said Cathedral Church of *Bangor* not having any Estate or Endowment belonging thereto; and also that any Bishop or Archdeacon may hold Visitations of the Clergy within the Limits of his Diocese or Archdeaconry, and at such Visitations may admit Churchwardens, receive Presentments, and do all other Acts, Matters, and Things by Custom appertaining to the Visitations of Bishops and Archdeacons in the Places assigned to their respective Jurisdiction and Authority under or by virtue of the Provisions of the said first or secondly recited Act; and any Bishop may consecrate any new Church or Chapel or any new Burial Ground within his Diocese.

Act not to apply to *St. Asaph* and *Bangor*, &c.

5 & 6 W. 4. c. 30.

6 & 7 W. 4. c. 67.

2 & 3 Vict. c. 55.

XXIX. And for the Purpose of removing all Doubts respecting the Meaning of the Terms "Real Estates," "Lands," and "Lands, Tenements, and Hereditaments," be it declared and enacted, That the said Terms, wherever they occur, either in the Recital or in the Enactments of either of the said recited Acts, or in any Scheme, or any Order of Her Majesty in Council, prepared and issued under the Authority of those Acts or either of them, shall respectively be construed to include and comprehend Lands, Tithes, Tenements, and other Hereditaments, except any Right of Ecclesiastical Patronage; and that the said first-mentioned Terms, and also the Term "Lands, Tithes, Tenements, or other Hereditaments," in any Part of either of the said recited Acts or in this Act or in any such Scheme or Order in Council contained, shall be construed to apply and extend to Lands, Tithes, Tenements, and other Hereditaments, as well in Reversion as in Possession, and to

Construction of the Terms "Lands," &c.

Provisions of
Tithe Commu-
tation Acts ex-
tended to Com-
missioners.

6 & 7 W. 4. c. 71.

Powers of
6 & 7 W. 4. c. 77.
and 3 & 4 Vict.
c. 113. extended
to this Act.

Act may be
amended, &c.

to any Leasehold Interest therein; and that the Term "Tithes" in either of the said Acts or in this Act contained shall extend to and comprehend Rents-charges allotted or assigned in lieu of Tithes; and the Ecclesiastical Commissioners for *England* shall, in respect of all Lands, Tithes, Tenements, or other Hereditaments, Endowments, or Emoluments, already vested or liable to be vested in them by or under the Provisions of either of the said Acts or of this Act, be deemed to be the Owners or joint Owners thereof respectively, as the Case may be, for all the Purposes of an Act passed in the Seventh Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for the Commutation of Tithes in England and Wales*, and of the several Acts to explain and amend the same.

XXX. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council and in the Ecclesiastical Commissioners for *England* by the Two first-recited Acts or either of them with reference to the Matters therein respectively contained, and all other the Provisions of the secondly recited Act relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued, and extended and apply to Her Majesty in Council and to the said Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated in this Act; and that so much of the said secondly recited Act as enacts that the said first-recited Act and the said secondly recited Act shall be construed as if they were one and the same Act shall be repealed.

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

C A P. XL.

An Act to empower the Commissioners of Her Majesty's Woods to raise Money for certain Improvements in the Metropolis on the Security of the Land Revenues of the Crown within the County of *Middlesex* and City of *London*.

[21st June 1841.]

3 & 4 Vict. c. 87.

‘ WHEREAS by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings to make additional Thoroughfares in the Metropolis*, the said Commissioners were thereby authorized and empowered to make, form, and complete Three new Thoroughfares or Streets in the following Lines or Directions; namely, one of such Streets to commence from the East End of *Oxford Street*, and to run from thence in or nearly in a direct Line therewith Eastward into *Holborn* at or near the South End of *Southampton Street, Bloomsbury Square*; another of such Streets to commence from the North Side of *Long Acre* opposite *Bow Street*, and to run from thence in or nearly in a North-west Direction to *Charlotte Street, Bloomsbury*; and the other of such Streets to commence from or near to the *London Docks*,

‘ Docks, and to run from thence into *Leman Street*, and from
‘ thence in a North-west Direction nearly in a direct Line with
‘ *Leman Street* to the West Front of *Spitalfields Church*: And
‘ whereas by another Act passed in the present Session of Parlia-
‘ ment, intituled *An Act to enable Her Majesty's Commissioners* 4 & 5 Vict. c. 12,
‘ of *Woods to make a new Street* from Coventry Street, Picca-
‘ dilly, to Long Acre; and for other Improvements in the Metro-
‘ polis, the said Commissioners were thereby authorized and
‘ empowered to make, form, and complete a new Street from the
‘ East End of *Coventry Street, Piccadilly*, to the West End of
‘ *Long Acre*, and also a new Thoroughfare or Street to commence
‘ at the East End of *East Smithfield* near to the Entrance to the
‘ *London Docks*, and to extend from thence into *Rosemary Lane*
‘ nearly opposite to the South End of *White Lion Street*, where
‘ such Thoroughfare or new Street will join the said Thoroughfare
‘ or new Street so authorized to be made and formed by the said
‘ herein-before recited Act; and the said Commissioners were also
‘ authorized, by and with the Consent of the Lord High Treasurer,
‘ or the Commissioners of Her Majesty's Treasury, or any Three
‘ or more of them, to apportion and pay, out the Monies to be
‘ borrowed and raised by the said Commissioners of Her Majesty's
‘ Woods, Forests, Land Revenues, Works, and Buildings, under
‘ the Powers and Provisions of the now-reciting Act, in aid of
‘ other Improvements in the Metropolis, the following Sums;
‘ namely, the Sum of Twenty-five thousand Pounds towards the
‘ Expences attending the forming, making, and completing a Street
‘ in continuation of the new Street from *Farringdon Street* in the
‘ City of *London* to *Clerkenwell Green*; the Sum of Thirty thou-
‘ sand Pounds towards the Expences of forming, making, and
‘ completing a Line of Street between *Southwark* and *Westminster*
‘ *Bridge*; and the Sum of Thirty-nine thousand Pounds towards
‘ the Expence of forming, making, and completing a Communi-
‘ cation between the Neighbourhood of the Houses of Parlia-
‘ ment and that of *Buckingham Palace*; and by the said Act it
‘ was enacted, that the said Commissioners of Her Majesty's
‘ Woods, Forests, Land Revenues, Works, and Buildings, for the
‘ Time being, should be and they were thereby constituted a
‘ Corporation by the Name and Style of “The Commissioners of
‘ Her Majesty's Woods, Forests, Land Revenues, Works, and
‘ Buildings,” to enable them to carry into effect the several Powers
‘ and Purposes therein mentioned, and by that Name should and
‘ might have perpetual Succession, and use a Common Seal, as
‘ therein mentioned: And whereas the estimated ultimate Cost of
‘ the several new Streets and Thoroughfares so authorized to be
‘ made by the Commissioners of Her Majesty's Woods, Forests,
‘ Land Revenues, Works, and Buildings, after allowing for Returns
‘ to arise from the Sales and Leases authorized to be made and
‘ granted by the said Commissioners of Ground and Premises to
‘ be purchased or acquired under or by virtue of the said recited
‘ Acts, and from other Sources therein mentioned, amounts to
‘ the Sum of Four hundred and twenty thousand Pounds, and
‘ the several Sums of Twenty-five thousand Pounds, Thirty thou-
‘ sand Pounds, and Thirty-nine thousand Pounds, so authorized
‘ to be advanced in aid of the other Improvements before men-
‘ tioned,

2 & 3 Vict. c. 80.

tioned, amounting together to the Sum of Ninety-four thousand Pounds, make in the whole the Sum of Five hundred and fourteen thousand Pounds: And whereas by an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to raise a Sum of Money for making additional Thoroughfares in the Metropolis*, and by the herein-before recited Acts, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings are empowered, with the Consent and Approbation of the Lord High Treasurer, or of the Commissioners for executing the Office of Lord High Treasurer, to borrow and raise, on the Credit of the several Duties on Coals imported into the Port of *London*, and brought by inland Conveyance, the Duty on Wine, and other Revenues therein particularly specified, (subject to certain Charges then already existing thereon,) any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred and fourteen thousand Pounds, for the Purpose of executing the several Improvements and making the Advances herein-before mentioned, and the Commissioners for the Issue of Exchequer Bills for public Works are authorized to advance and lend the same on the Security of the said Funds herein-before mentioned or referred to; and by the Two first-recited Acts the said Commissioners are authorized to sell and lease the Property to be acquired for the Purposes of the said Improvements, and to apply the Monies to be thereby produced towards the Completion of the said Improvements: And whereas the said Commissioners for the Issue of Exchequer Bills, by reason of various other Claims upon them for Advances for public Works sanctioned by Parliament, are unable to make immediate Advances to any adequate Amount towards supplying the said Sum of Five hundred and fourteen thousand Pounds authorized to be borrowed and raised by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, upon the Credit of the said Duties and Funds herein-before mentioned; and by reason of the prior existing Charges on the said Funds (which will wholly absorb the same Duties and Funds for several Years to come) the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings are precluded from raising the said Sum of Five hundred and fourteen thousand Pounds in the public Market: And whereas the first Outlay to be incurred in the Purchase of Property required for making the several new Streets and Improvements aforesaid, before any considerable Return can be obtained therefrom by Sales or Leases, will necessarily exceed the estimated ultimate Cost of the said Improvements: And whereas it is essential to the speedy and economical Execution of the said contemplated Improvements, that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should be put in possession of Funds, to meet, as they arise, the Expences of purchasing and acquiring the various Properties in the Lines of the proposed new Streets, and of making such new Streets; and to provide such Funds it is expedient

‘ pendent that the said Commissioners should be empowered to
 ‘ raise Money on Mortgage of the Possessions and Land Revenues
 ‘ of the Crown in the County of *Middlesex* and City of *London*,
 ‘ as after mentioned, and that the said Land Revenues should be
 ‘ indemnified against any Loss in respect of such Charge, as after
 ‘ mentioned:’ May it therefore please Your Majesty that it may
 be enacted; and be it enacted by the Queen’s most Excellent Ma-
 jesty, by and with the Advice and Consent of the Lords Spiritual
 and Temporal, and Commons, in this present Parliament assem-
 bled, and by the Authority of the same, That it shall and may
 be lawful for the Commissioners of Her Majesty’s Woods, Forests,
 Land Revenues, Works, and Buildings, for the Time being, and
 they are hereby authorized and empowered, by and with the Con-
 sent and Approbation in Writing of the Lord High Treasurer,
 or of the Commissioners for executing the Office of Lord High
 Treasurer of the United Kingdom, or any Three or more of them,
 notwithstanding any Provisions, Restrictions, or Clauses contained
 in any Act or Acts of Parliament relating to Her Majesty’s Land
 Revenue, from Time to Time to borrow and take up, at any Rate
 of Interest not exceeding Five Pounds *per Centum per Annum*, and
 on such Terms and Conditions as they shall think proper, such
 Sum or Sums of Money as they the said Commissioners, with such
 Consent and Approbation as aforesaid, shall judge necessary for
 the Purpose of carrying into effect and completing the said several
 Improvements and new Streets so authorized and directed to be
 made by them by the said several herein-before recited Acts as
 aforesaid, on Mortgage of all or any Part or Parts of the Houses,
 Buildings, Lands, Tenements, and Hereditaments of or belonging
 to Her Majesty, Her Heirs and Successors, within the County of
Middlesex and City of *London*, or either of them (other than Royal
 Palaces and Parks), and for securing the Repayment of the Sum
 or Sums so to be borrowed, or any Part or Parts thereof, with
 Interest for the same, with such Consent and Approbation as
 aforesaid, to grant, demise, or mortgage all or any Part or Parts
 of the same Houses, Buildings, Lands, Tenements, and Heredita-
 ments respectively, unto any Person or Persons, Body or Bodies
 Corporate, who shall lend and advance such Sum or Sums of
 Money respectively, his, her, or their Heirs, Executors, or
 Administrators, Successors or Assigns, or to whom he or they or
 any such Body shall appoint, for any Term of Years, so that every
 such Grant, Mortgage, or Security be made with a Proviso or
 Condition to cease and be void when such Sum or Sums of Money
 thereby to be secured, and the Interest thereof, shall be fully
 paid and satisfied; and every such Grant, Mortgage, or Security
 shall be in the Form or to the Effect following, or as near thereto
 as Circumstances shall require, or the said Commissioners of Her
 Majesty’s Woods, Forests, Land Revenues, Works, and Buildings
 shall think proper; (that is to say,)

Commissioners
 of Woods em-
 powered to
 borrow Money
 on Mortgage of
 Land Revenues
 of the Crown.

‘ **THE** Commissioners of Her Majesty’s Woods, Forests, Land
 ‘ Revenues, Works, and Buildings (incorporated for the Pur-
 ‘ poses of the Act of Parliament herein-after mentioned), being
 ‘ duly authorized by the Lords Commissioners of Her Majesty’s
 ‘ Treasury, and acting in pursuance of an Act passed in the
 ‘ Fourth Year of the Reign of Her Majesty Queen *Victoria*, inti-
 4 & 5 VICT. P tuled

Form of
 Mortgage.

' tuled [*here set forth the Title of this Act*], in consideration of
 ' the Sum of lent and advanced by
 ' to the Commissioners of Her Majesty's Woods, Forests, Land
 ' Revenues, Works, and Buildings, upon the Credit and for the
 ' Purposes of the said Act, do, by and with the Consent and Ap-
 ' probation of the Commissioners of Her Majesty's Treasury, testi-
 ' fied by a Warrant under the Hands of Three of the said Com-
 ' missioners, signed by them before the Date hereof, and for and
 ' on behalf of Her Majesty, grant and demise unto [],
 ' his [*her or their*] Executors, Administrators, or Assigns [*or*
 ' Successors], or [*to a Trustee or Trustees on the Part of the*
 ' Person or Body making the Advance, as the Case may be], all
 ' [*here insert the Premises intended to be mortgaged*], to hold to
 ' the said his [*or their*] Executors, Administrators,
 ' or Assigns [*or his or their Successors and Assigns, as the Case*
 ' may be], for a Term of One thousand Years, to be computed
 ' from the Day before the Date hereof, for securing the Repay-
 ' ment of the said Sum of Pounds, with Interest
 ' for the same after the Rate of *per Centum per*
 ' *Annum*], such Interest to be paid by half-yearly Payments as
 ' from the Date hereof without Deduction: Provided (and these
 ' Presents are upon this express Condition) that the Demise hereby
 ' made and Term hereby granted shall cease and be void when
 ' and as soon as the said Sum of and the
 ' Interest thereof, as aforesaid, shall be fully paid and satisfied
 ' [*here may be introduced any special Clauses respecting the Time*
 ' and Manner of Payment, or otherwise, as may be agreed upon
 ' between the Parties]. In witness whereof the said Commis-
 ' sioners of Her Majesty's Woods, Forests, Land Revenues,
 ' Works, and Buildings have hereunto set their Corporate Seal
 ' the Day of in the Year of our
 ' Lord .

Mortgages to
 be enrolled, &c.

And every such Mortgage, and every Assignment thereof, shall be
 enrolled in the Office of Land Revenue Records and Enrolments,
 and entered in the Office of Woods, within Three Calendar
 Months from the Date thereof; and every such Grant, Mortgage,
 or Security shall be good and valid, notwithstanding any Provisions,
 Restrictions, or Clauses contained in any such Act or Acts of
 Parliament as aforesaid, and shall entitle the Person or Persons,
 Body or Bodies, to or in Trust for whom the same shall be made,
 his, her, or their Executors, Administrators, Successors, or Assigns,
 to the Payment of the Sum or Sums of Money, and Interest, se-
 cured by any such Grant, Mortgage, or Security, according to
 the true Intent and Meaning thereof and of this Act; and the
 said Hereditaments to be included in any such Mortgage or Charge
 shall, as regards the Security to the Mortgagee or Mortgagees, be
 freed and discharged from all Charges and Incumbrances what-
 soever now affecting or hereafter to affect the Land Revenues of
 the Crown; and the Costs, Charges, and Expences of every such
 Grant, Mortgage, or Security, or in anywise relating thereto, shall
 be from Time to Time defrayed by the Commissioners of Her
 Majesty's Woods, Forests, Land Revenues, Works, and Buildings,
 out of the Monies so to be borrowed.

II. And be it enacted, That the Receipts in Writing of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or of any Two of them, to be indorsed on any such Mortgage or Charge, for any Money payable to them the said Commissioners under or by virtue of this Act, shall be sufficient Discharges for the same to the Persons or Bodies respectively paying the same, who shall not afterwards be liable for any Misapplication thereof.

Receipts of Commissioners to be good Discharges for Mortgage Money.

III. And be it enacted, That the Monies so to be raised shall be paid and applied by the said Commissioners for the Purpose of effecting the aforesaid Improvements by the said recited Acts or any of them directed or authorized to be made by the said Commissioners, and also in Payment of the Expences of obtaining the said Acts, and of carrying the same into effect, and in such and the same Manner as is in and by the said recited Acts respectively directed with respect to the Monies thereby authorized to be raised.

Application of Monies to be raised on Mortgage.

IV. And be it enacted, That for the Purposes of this Act the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall be and they are hereby constituted a Corporation, as in and by the said recited Act of the Third and Fourth Years of Her present Majesty, and of the said recited Act of this present Year of Her said Majesty, is enacted and provided, and may, for the Purposes of this Act, have such Seal as is by the said last-mentioned Acts provided.

Commissioners of Woods to be a Corporation for the Purposes of this Act.

V. And be it enacted, That nothing herein contained shall prevent the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings from charging, raising, or borrowing the Sum and Sums of Money which they are by the said several herein-before recited Acts authorized to charge, raise, or borrow.

Act not to prevent Commissioners borrowing Money.

VI. And be it enacted, That all Sum and Sums of Money which may from Time to Time hereafter be received by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, from any Sales directed or authorized to be made by them by the herein-before recited Acts, or as the Premium on the granting of any Lease, or which may be received on the rescinding of any Contract, or which shall be forfeited in respect of the Nonperformance of any Contract, and all other the Monies (if any) and also the Rents (if any) of all the Hereditaments which may be acquired under or by virtue of the said recited Acts or any of them, until the same shall be sold (except such Monies as may be advanced to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings by the Commissioners for the Issue of Exchequer Bills for public Works, or any other Person or Persons, on the Credit of the Coal and Wine Duties and other Funds authorized to be charged by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the Powers and Provisions of the said recited Acts), or a sufficient Part thereof, shall be applied by the said Commissioners, in the first place, in the Repayment, so far as the same will extend, of any Sum or Sums of Money which may be borrowed on the Credit of the Land Revenues of the Crown, and the Interest thereof, under the

For securing Repayment of the Sums borrowed on the Credit of the Land Revenues.

Powers and Provisions herein-before contained; and all Monies which may be advanced to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by the said Commissioners for the Issue of Exchequer Bills, or any other Person or Persons, on the Credit of the Coal and Wine Duties, and other Funds herein-before mentioned, under the Powers and Provisions of the said recited Acts, shall (subject to the before-mentioned Advances in aid of the Costs and Expences attending the making, forming, and completing the said Street to *Clerkenwell Green*, the Street between *Southwark* and *Westminster Bridge*, and the Communication between the Houses of Parliament and *Buckingham Palace*, in case the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall, in the Exercise of their Discretion, think fit and proper to consent to such Advances being made by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings,) be also applied by the said Commissioners, in the first place, in the Repayment of such Sum or Sums of Money as may be borrowed on the Credit of the Land Revenues of the Crown, and the Interest thereof as aforesaid, or of so much thereof as shall remain due; and, subject as aforesaid, all and singular the Monies which by any Means whatsoever shall come to the Hands of the said Commissioners by virtue of the said recited Acts or of this Act shall be applied, as directed by the said several herein-before recited Acts, in such and the like Manner as if this Act had not been passed: Provided always, that nothing in this Act contained shall authorize the levying or raising by the Means aforesaid any Sum or Sums of Money for any other Purpose than for the Purpose of executing the aforesaid Improvements, and other the Purposes aforesaid.

Mortgages
exempt from
Stamp Duty.

VII. And be it enacted, That no such Mortgage or Security which may be made or executed as aforesaid shall be subject or liable to any *ad valorem* or other Stamp Duty whatsoever imposed by any Act or Acts of Parliament now in force, or to be imposed by any future Act or Acts of Parliament, unless the same be specially subjected to and specifically charged therewith in and by such future Act and Acts.

Public Act.

VIII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

C A P. XLI.

An Act to provide for the Payment of Debts, Charges, and Incumbrances affecting Houses of Industry and Workhouses, and of Advances made, conformably with previous Usage, for the lawful Purposes of such Houses of Industry and Workhouses, in certain Cases, in *Ireland*.

[21st June 1841.]

‘ WHEREAS by an Act passed in the Parliament of *Ireland*
‘ in the Eleventh and Twelfth Years of the Reign of His
‘ late Majesty King *George the Third*, intituled *An Act for badging*
‘ such Poor as shall be found unable to support themselves by
‘ Labour, and otherwise providing for them, and for restraining
‘ such

' such as shall be found able to support themselves by Labour or
 ' Industry from begging, Provision was made for the Establishment
 ' of Houses of Industry for the several Counties, Counties of Cities
 ' and Counties of Towns, in *Ireland*, and for the Maintenance
 ' and Support thereof, by means of Presentments to be made by
 ' the respective Grand Juries of such Counties, Counties of Cities
 ' and Counties of Towns: And whereas by another Act passed
 ' in the said Parliament of *Ireland* in the Twenty-seventh Year of 27 G. 3. c. 44.
 ' the Reign of His said Majesty King *George* the Third, to explain (1.)
 ' and amend the said first-recited Act, it was enacted, that when-
 ' ever any County should not have provided a House of Industry
 ' in such County it should be lawful for the Grand Jury of such
 ' County to make Presentments for the Purposes of the House of
 ' Industry in the next adjoining County of a City or County of
 ' a Town, as if such House of Industry was situate in the said
 ' County at large, and that during such Time as the said Pre-
 ' sentments should be made and paid such House of Industry
 ' should be considered to all Intents and Purposes the House of
 ' Industry for the Use of the said County as well as of the said
 ' County of a City or County of a Town: And whereas divers
 ' Houses of Industry were accordingly established, and Present-
 ' ments made by the Grand Juries of certain Counties at large
 ' for the Purposes of Houses of Industry situate in certain ad-
 ' joining Counties of Cities and Towns: And whereas by an Act
 ' passed in the First and Second Years of the Reign of Her pre-
 ' sent Majesty, intituled *An Act for the more effectual Relief of* 1 & 2 Vict. c. 56.
 ' *the Destitute Poor in Ireland*, it was enacted, that, when any § 34.
 ' Union should have been declared, every House of Industry,
 ' Workhouse, and Foundling Hospital which had been either
 ' wholly or in part supported by Parliamentary Tax, Grant, Grand
 ' Jury Aid, or by any compulsory Rate or Contribution, situate
 ' within the Limits of such Union, and all Lands, Tenements, and
 ' Hereditaments, and Real Property, and Chattels Real, and the
 ' Produce of any Tax of and belonging thereto, should vest in the
 ' Poor Law Commissioners for the Time being, subject to the
 ' Debts, Charges, and Incumbrances affecting the same respec-
 ' tively, and to the Repayment of any Advances which, conform-
 ' ably with previous Usage, had been made for the lawful Purposes
 ' of any such House of Industry, Workhouse, or Foundling
 ' Hospital; and it was thereby further enacted, that it should be
 ' lawful for the said Poor Law Commissioners for the Time being,
 ' when they should so think fit, to sell any Lands, Tenements, or
 ' Hereditaments which might become vested in them by or under
 ' the Authority of the said Act now in recital, and that the
 ' Purchase Money should be applied in the Purchase of other
 ' Premises, to be held on the like Trusts as those sold, or in such
 ' Manner as the said Commissioners should think advisable for
 ' the Benefit of the Union or Institution for the Benefit or Pur-
 ' poses of which the said Hereditaments had been holden: And
 ' whereas under the Provisions of the said last-recited Act, and
 ' the Acts amending the same, Unions for the Relief of the Poor
 ' have been or may be declared, consisting of Portions of Counties
 ' of Cities and Counties of Towns, together with Portions of
 ' adjoining Counties at large, and other Unions have been or

Poor Law Commissioners, or Assistant Commissioner appointed by them, to inquire into and certify the Amount of Debts, &c. affecting any House of Industry, &c., and to specify the Proportion in which they shall be paid by the several Unions.

Certificate to be transmitted to the Clerk of the Guardians of the Poor.

‘ may be declared, consisting of Portions of Counties at large:
 ‘ And whereas it is expedient that Provision should be made for
 ‘ the immediate Payment of all Debts and Charges affecting such
 ‘ Houses of Industry, and of such Advances as shall have been
 ‘ made for the lawful Purposes thereof, conformably with previous
 ‘ Usage:’ Be it therefore enacted by the Queen's most Excellent
 Majesty, by and with the Advice and Consent of the Lords Spi-
 ritual and Temporal, and Commons, in this present Parliament
 assembled, and by the Authority of the same, That it shall be
 lawful for the Poor Law Commissioners, or such Assistant Com-
 missioner as they shall appoint for that Purpose, to inquire into
 and ascertain all Debts, Charges, and Incumbrances affecting any
 House of Industry or Workhouse, which was heretofore estab-
 lished or supported by virtue of the said Two first-recited Acts or
 any of them, and which has been or shall be declared or appro-
 priated as or for a Workhouse, under the said Act of the First
 and Second Years of the Reign of Her present Majesty, and also
 all Advances which shall have been made for the lawful Purposes
 of such House of Industry or Workhouse up to the Time of such
 Declaration or Appropriation; and the said Commissioners, or
 such Assistant Commissioner, shall, by a Certificate in Writing,
 certify the Nature and Amount of such Debts, Charges, Incum-
 brances, and Advances, and the several Items composing the same,
 when and where the same were created or made, and to whom the
 same may be due, and shall also thereby, according to the Nature
 of the Case, apportion and specify the Proportions in which the
 Amount so certified shall be defrayed by all the several Unions
 or Parts of Unions comprised within the County or County of a
 City or County of a Town respectively wherein such House of
 Industry or Workhouse may be situate, or, where any House of
 Industry has been used for the Purposes of any County at large
 as well as of any County of a City or County of a Town, then
 by all the several Unions or Parts of Unions comprised as well
 within such County as within such County of a City or County
 of a Town; and in making such Apportionment they shall have
 regard to the Proportions in which such County and County of a
 City or County of a Town comprising such Unions or Parts of
 Unions respectively shall have been theretofore respectively con-
 tributory to the Purposes of such House of Industry, whether
 by Parliamentary Tax, Grant, Grand Jury Aid, or by any com-
 pulsory Rate or Contribution; and the said Poor Law Commis-
 sioners, or such Assistant Commissioner, shall, within One Week
 after the Receipt of such Certificate, transmit or cause to be
 transmitted a Duplicate thereof to the Clerk of the Guardians of
 the Poor of every Union by which or any Part of which it is pro-
 posed by such Certificate that the Amount therein specified, or
 any Proportion thereof, shall be defrayed; and such Clerk shall
 endorse on such Certificate the Date of the Receipt thereof, and
 shall publish and notify the Receipt thereof in such Manner as
 the Guardians shall direct, and shall permit any Rate-payer of
 such Union at all reasonable Times to inspect the same, and
 to make any Extract or Copy therefrom without Fee or Re-
 ward.

II. And be it enacted, That it shall be lawful for any Twenty or more Rate-payers of each or any such Union, within Twenty Days after the Duplicate of such Certificate shall be so received by the Clerk of such Union as aforesaid, to appeal against such Certificate, on the Ground of any Matter contained therein or being omitted therefrom, to the Assistant Barrister having Civil Bill Jurisdiction within the County, County of a City, or County of a Town within which such House of Industry or Workhouse shall be situate, by depositing with the said Clerk of the Guardians, within such Period of Twenty Days, a Notice of Appeal, in the Form specified in the Schedule to this Act annexed, or to the like Effect, specifying the Grounds of such Appeal; and the said Clerk of the Guardians shall transmit every such Notice of Appeal to such Assistant Barrister, and he shall have Power and Authority to hear and determine such Appeal, and to quash, confirm, or alter or amend such Certificate; and such Assistant Barrister shall in and about such Appeal exercise all such and the like Powers, Authorities, and Jurisdiction as may be exercised in relation to the Accounts of Treasurers by the Officer who shall be from Time to Time by Warrant authorized by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to audit and declare the Accounts of the several Treasurers of Counties, and Counties of Cities and Towns, under and by virtue of the Provisions of an Act passed in the Session of Parliament holden in the First Year of the Reign of Her present Majesty, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in Ireland account for public Monies, and to secure the same*, or of any Act or Acts amending the same; and such Assistant Barrister shall have Power to order the Costs of such Appeal, or such Costs as he shall deem just, to be paid by or to the Party so appealing, or by or to any Party resisting or opposing such Appeal; and any Order so made for such Costs shall have the Force of a Civil Bill Decree of such Assistant Barrister, and the Amount thereof may be recovered and levied accordingly, or the Amount thereof may be recovered by Civil Bill before any Assistant Barrister within whose Jurisdiction any Party liable to such Costs shall reside; and such Certificate, if not appealed from as aforesaid, or if so appealed from, then as the same shall be altered or amended by such Assistant Barrister, shall be final and conclusive to all Intents and Purposes.

III. And be it enacted, That the several Sums specified in such Certificate so made as aforesaid, or so amended or altered on Appeal, as the Proportions to be defrayed by or charged upon the several Unions or Parts of any Union or Unions specified therein, shall be a Charge upon the Poor Rates levied or to be levied on such Unions, or Parts of an Union or Unions respectively; and the Guardians of every such Union are hereby authorized and required to assess, raise, and levy such Sum or Sums of Money specified in such Certificate as the said Poor Law Commissioners shall from Time to Time direct as Part of the Poor Rate, and shall pay the same to such Bank or Banks for or to be paid over to the respective Parties entitled under such Certificate to such Debts, Charges, Incumbrances, or Advances respectively according

Twenty Rate-payers of any Union may appeal to the Assistant Barrister against such Certificate.

Assistant Barrister to have Power to hear the Appeal and give Costs.

7 W. 4. &
1 Vict. c. 54.

Sums specified in such Certificate to be a Charge upon the Poor Rates.

to Directions to be given for that Purpose by the said Poor Law Commissioners.

Payment and Application of Proceeds of Sale of Houses of Industry, &c.

IV. And be it enacted, That when and so soon as the said Commissioners shall, under the Provisions of the said last-recited Act, think fit to sell and dispose of such Houses of Industry, and other Property vested in them as aforesaid, then and thereupon the Proceeds and Produce of such Sale shall be by the said Commissioners paid to and amongst the Guardians of the respective Unions which shall have contributed to the Payment of the said Debts, Charges, and Incumbrances, to be by them carried to the Credit of the several Parishes or Town Lands, or other Divisions or Districts, in such and the same Proportions as they shall have contributed to the Payment thereof.

Poor Law Commissioners may appoint an Assessor at the Inquiry.

V. And be it enacted, That it shall be lawful for the said Poor Law Commissioners, if it shall seem expedient to them so to do, to appoint a Barrister of not less than Six Years standing to act as Assistant or Assessor with the Poor Law Commissioners or such Assistant Commissioner upon such Inquiry; and in such Case every such Certificate shall be signed as well by such Barrister as by the Poor Law Commissioners or such Assistant Commissioner respectively.

Remuneration to Barrister.

VI. And be it enacted, That it shall be lawful for the said Poor Law Commissioners to pay to each Barrister nominated by them as aforesaid to act with them or with an Assistant Poor Law Commissioner for the Purposes of this Act, a Sum not exceeding Five Guineas for every Day that he shall be so employed, and to pay the other necessary Expences attendant on carrying this Act into effect, including the Expences of Witnesses, if any; and the said Commissioners shall direct the Sum so paid by them to each such Barrister, and the other Expences of such Inquiry, to be added to the Amount specified in a Certificate herein-before mentioned; and the said Sum or Sums shall be defrayed by the several Unions or Parts of Unions in the same Manner and in the like Proportions as the Amount so specified in the said Certificate, and shall be assessed, raised, and levied as a Poor Rate together therewith, and in addition to and as Part thereof, and paid over to such Person or Persons as the said Poor Law Commissioners shall direct.

Power to examine Witnesses, and to call for Papers, &c. upon Oath.

VII. And be it enacted, That the said Poor Law Commissioners, and every Assistant Poor Law Commissioner and Barrister who shall be deputed and nominated to make the Inquiry herein-before directed to be made, shall have for the Purposes thereof all and every the Powers and Authorities of summoning Witnesses, and administering Oaths, and receiving Declarations in lieu thereof, and of remunerating Witnesses, and of requiring and enforcing the Production upon Oath of Books, Contracts, Agreements, Accounts, and Writings, which by and under the Provisions of the said recited Act the Poor Law Commissioners are invested with for the Purposes thereof.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

County of _____ } WE, the undersigned Rate-payers of the Union
 to wit. } of _____ do hereby give you Notice that
 we appeal from the Certificate of [here insert the Name or Names
 of the Poor Law Commissioner or Assistant Poor Law Commis-
 sioner, and Barrister,] made in pursuance of an Act passed in the
 Fourth Year of the Reign of Her Majesty Queen Victoria, intituled
 "An Act to provide for the Payment of Debts, Charges, and
 Incumbrances affecting Houses of Industry and Workhouses, and
 of Advances made, conformably with previous Usage, for the lawful
 Purposes of such Houses of Industry and Workhouses, in certain
 Cases, in Ireland," to the Assistant Barrister of
 upon the following Causes or Grounds; that is to say [here state
 the Grounds of Appeal].

Witness our Hands, this _____ Day of _____ One thousand
 eight hundred and _____

(Signed)

To
 Clerk of the Guardians of the Poor }
 of the Union of _____ }

C A P. XLII.

An Act to remove Doubts as to the Division of the Parish
 of *Winterbourne* in the County of *Gloucester* into Two
 Parishes. [21st June 1841.]

‘ WHEREAS by an Act of Parliament passed in the Fifty-
 ‘ eighth Year of the Reign of His late Majesty King *George*
 ‘ the Third, intituled *An Act for building and promoting the* 58 G. 3. c. 45.
 ‘ *building of additional Churches in populous Parishes*, it was
 ‘ enacted, that in every Case in which the Commissioners acting in
 ‘ the Execution of the said Act should be of opinion that it would
 ‘ be expedient to divide any Parish into Two or more distinct and
 ‘ separate Parishes for all Ecclesiastical Purposes whatever, it
 ‘ should be lawful for the said Commissioners, with the Consent
 ‘ of the Bishop of the Diocese in which such Parish was locally
 ‘ situated, signified under his Hand and Seal, to apply to the
 ‘ Patron or Patrons of the Church of such Parish for his Consent
 ‘ to make such Division, and for such Patron or Patrons to signify
 ‘ his or their Consent thereto under his Hand and Seal; and the
 ‘ said Commissioners should, upon the Consent of the said Patron
 ‘ or Patrons so signified, represent the whole Matter to His Ma-
 ‘ jesty in Council, and should state in such Representation the
 ‘ Bounds by which it was proposed, with such Consent as aforesaid,
 ‘ to divide such Parish, together with the relative and respective
 ‘ Proportions of Glebe Lands, Tithes, Moduses, or other Endow-
 ‘ ments which would by such Division arise and accrue and
 ‘ remain and be within each of such respective Divisions, and also
 ‘ the relative Proportions of the estimated Amount of the Value
 ‘ or Produce of Fees, Oblations, Offerings, or other Ecclesiastical
 ‘ Dues or Profits which might arise and accrue within each of
 ‘ such respective Divisions; and if thereupon His Majesty in
 ‘ Council should think fit to direct such Division to be made, such
 ‘ Order

' Order of His Majesty in Council should be valid and good in
 ' Law for the Purpose of effecting such Division ; provided always,
 ' that no such Division of any Parish into distinct Parishes should
 ' completely take effect until after the Death, Resignation, or other
 ' Avoidance of the existing Incumbent of the Parish to be divided ;
 ' and it was by the same Act provided and further enacted, that
 ' all Tithes, Moduses, Endowments, or other Ecclesiastical Dues
 ' or Profits belonging to the Incumbent of any such Parish, whether
 ' by Endowment, Prescription, Usage, or otherwise, should, when
 ' so divided as aforesaid, belong to and be recoverable by the
 ' Incumbents of the Churches of each of the Divisions respectively
 ' of the Parish to which they should be assigned, in like Manner
 ' in every respect as they were before recoverable by the Incum-
 ' bent of the original Parish ; and it was by the same Act further
 ' provided and enacted, that, during the Incumbency of the existing
 ' Incumbent of any such Parish, every new Church therein built,
 ' purchased, assigned, or provided as the intended Parish Church
 ' of any Division intended to become and be a distinct Parish
 ' should remain a Chapel of Ease, and should be served, during
 ' the Incumbency of such Incumbent of the original Parish, by a
 ' Curate to be nominated by such Incumbent and licensed by the
 ' Bishop of the Diocese, and paid in manner therein-after directed ;
 ' and it was by the same Act further enacted, that every such
 ' distinct and separate Parish as aforesaid should, when such Di-
 ' vision as aforesaid should become complete by the Death,
 ' Resignation, or other Avoidance of the existing Incumbent of
 ' the original Parish, be deemed either a Rectory, Vicarage,
 ' Donative or Perpetual Curacy, and the Spiritual Person serving
 ' the same, the Rector, Vicar, or Perpetual Curate thereof, or Per-
 ' son having Cure of Souls therein, according to the Nature of the
 ' original Church of the Parish so divided, and should be for ever
 ' thereafter subject to the Laws, Provisions, and Regulations, as to
 ' Presentation and Appointment, and as to Institution, Collation,
 ' Induction, or Licence, and to all such Jurisdiction of the Bishop
 ' or other Jurisdiction, and to holding Benefices, as were by Law
 ' applicable to the original Parish ; and it was by the same Act
 ' further enacted, that all Acts of Parliament, Laws, and Customs,
 ' relating to publishing Banns of Marriage, Marriages, Christen-
 ' ings, Churchings, and Burials, and the registering thereof, and
 ' to all Ecclesiastical Fees, Oblations, or Offerings, should apply
 ' to such separate and distinct Parishes and District Parishes so
 ' made as aforesaid, when they should so become complete, separate,
 ' and distinct Parishes, or District Parishes, under the Provisions
 ' of that Act, after the Death, Resignation, or other Avoidance of
 ' the existing Incumbents respectively in each such Parish or
 ' Extra-parochial Place, and to the Churches and Chapels thereof,
 ' and to the Ecclesiastical Persons having Cure of Souls or serving
 ' the same, in like Manner in every respect as if the same respec-
 ' tively had been ancient, separate, and distinct Parishes, and
 ' Parish Churches by Law, to all Intents and Purposes ; and it
 ' was by the same Act further provided and enacted, that no
 ' Banns of Matrimony should be published, or Marriages celebrated
 ' or solemnized, or Baptisms or Churchings had, by any Person
 ' whatever, within any Church or Chapel of any such separate

‘ and distinct Parish so made by any such Division as aforesaid,
‘ or in any private House therein, or within any such District
‘ Church or Chapel, or in any private House within such District;
‘ nor should any Burials be performed within any Cemetery apper-
‘ taining or belonging to any such Church or Chapel by any
‘ Person whatever, except by the Incumbent of the Church of the
‘ Parish or Extra-parochial Place from which such Parish should
‘ have been separated, or some Curate of such Incumbent, duly
‘ licensed in that Behalf, until after the Death, Resignation, or
‘ other Avoidance of the Spiritual Person who shall be the In-
‘ cumbent of the Church of the Parish or Extra-parochial Place
‘ at the Time of the Consecration of any such Church or Chapel
‘ of any such separated Parish or District Parish; and from and
‘ after the Death, Resignation, or other Avoidance of the then
‘ Incumbent, to be certified under and according to the Provisions
‘ of that Act, Banns of Matrimony might be published, and
‘ Marriages celebrated and solemnized, and Baptisms, Burials, and
‘ Churchings had, within the Church or Chapel of any such sepa-
‘ rated Parish or District Parish, provided the same were respec-
‘ tively published, celebrated, solemnized, and had according to
‘ the Law and Canons in force within the Realm in that Behalf;
‘ and all such Banns as should be published, and also all and
‘ every such Marriage and Marriages as should be celebrated and
‘ solemnized, in any such Church or Chapel, after the Entries,
‘ under and according to the Provisions of that Act, of the Noti-
‘ fication, under the Hand and Seal of the Bishop of the Diocese,
‘ of the Death, Resignation, or other Avoidance of the Incumbent
‘ of the Church of the Parish or Extra-parochial Place, should be
‘ as good, valid, and effectual, to all Intents and Purposes, as if
‘ the same were published, celebrated, and solemnized in the Church
‘ of the Parish or Extra-parochial Place in which the same should
‘ be situate: And whereas the said Commissioners having made
‘ a Representation to His late Majesty King *William* the Fourth
‘ in Council, stating that when the last Census was taken the Parish
‘ of *Winterbourne* in the County of *Gloucester* and Diocese of
‘ *Bristol* contained a Population of Two thousand eight hundred
‘ and eighty-nine Persons, and that there was, besides the Parish
‘ Church which afforded Accommodation to Five hundred Persons,
‘ One Chapel in the said Parish, which was situated at *Frenchay*
‘ in the Tithing of *Hambrook*, and was called the Chapel of *Saint*
‘ *John the Baptist*, and which had been recently consecrated, and
‘ in which Divine Service was regularly performed, and which
‘ afforded Accommodation for Eight hundred Persons, including
‘ Five hundred free Seats for the Use of the Poor; and also
‘ stating, that, having taken into consideration all the Circum-
‘ stances attending the same Parish, it appeared to them to be
‘ expedient that the said Parish should be divided into Two distinct
‘ and separate Parishes under the Sixteenth Section of the said
‘ Act passed in the Fifty-eighth Year of the Reign of His Ma-
‘ jesty King *George* the Third (being the first before-mentioned
‘ Enactment of such Act), and that the said Parishes should be
‘ named respectively the Parish of *Winterbourne* and the Parish
‘ of *Saint John the Baptist, Frenchay*, and that the said Chapel
‘ at *Frenchay* should be the Parish Church of the said Parish of
‘ *Saint*

‘ *Saint John the Baptist, Frenchay*, with certain Boundaries in
 ‘ such Representation set forth; and also stating, that the whole
 ‘ of the Glebe Land lying within the Parishes of *Winterbourne*
 ‘ and *Saint John the Baptist, Frenchay*, would belong to the
 ‘ Parish of *Winterbourne*, that the Tithes arising from the Lands
 ‘ specified in the Schedule thereunto annexed, and valued at One
 ‘ hundred and seventy-six Pounds Ten Shillings *per Annum*, and
 ‘ being One Sixth of the Tithes of the then existing Parish of
 ‘ *Winterbourne*, would belong to the Parish of *Saint John the*
 ‘ *Baptist, Frenchay*, that there were no Moduses or other Endow-
 ‘ ments arising in the said Parish of *Winterbourne*, that it was
 ‘ estimated that the Value or Produce of Fees, Oblations, Offer-
 ‘ ings, and other Ecclesiastical Dues which then arose in the said
 ‘ Parish of *Saint John the Baptist, Frenchay*, were less by One
 ‘ Half than those which arose in the Parish of *Winterbourne*, but
 ‘ would probably increase; and also stating that the Consents of
 ‘ the Lord Bishop of *Bristol*, and of the Presidents and Scholars
 ‘ of *Saint John Baptist College in Oxford*, the Patrons of the
 ‘ Parish Church of *Winterbourne*, had been obtained, as required
 ‘ by the above-mentioned Enactment of the said Act of the Fifty-
 ‘ eighth Year of His Majesty King *George the Third*, and His
 ‘ said Majesty having taken the said Representation, together with
 ‘ the Map thereunto annexed, into consideration, was pleased, by
 ‘ and with the Advice of His Privy Council, to approve thereof,
 ‘ and to order that the proposed Division should be accordingly
 ‘ made and effected agreeably to the Provisions of the said Acts:
 ‘ And whereas the said Chapel of *Frenchay* was consecrated on
 ‘ the Twenty-first Day of *August* One thousand eight hundred
 ‘ and thirty-four, at which Time the Reverend *John Crosby Clark*,
 ‘ Batchelor of Divinity, was the Rector of the said original Parish
 ‘ Church of *Winterbourne*: And whereas the Order in Council
 ‘ before set forth bears Date the Twenty-seventh Day of *May* One
 ‘ thousand eight hundred and thirty-six: And whereas the said
 ‘ Reverend *John Crosby Clark* resigned his said Living shortly
 ‘ after the Consecration of the said Chapel of *Frenchay*, and
 ‘ before the Date of the said Order in Council, and thereupon
 ‘ the Reverend *William Birkett Allen*, Doctor in Civil Law, was
 ‘ presented by the said President and Scholars of *Saint John*
 ‘ *Baptist College in Oxford* to the Rectory of *Winterbourne*: And
 ‘ whereas it has been considered, that in the Provision in the said
 ‘ Act of Parliament that no Division of any Parish into distinct
 ‘ Parishes shall completely take effect until after the Death, Re-
 ‘ signation, or other Avoidance of the existing Incumbent of the
 ‘ Parish to be divided, the Word “existing” had reference to the
 ‘ Time of the Consecration of the said Chapel of *Frenchay*, and
 ‘ not to the Date of the said Order in Council; and it has there-
 ‘ fore been considered that the Division of the said original Parish
 ‘ of *Winterbourne* into Two distinct Parishes became complete for
 ‘ all Purposes immediately upon the said Order in Council having
 ‘ been made, and accordingly the President and Scholars of *Saint*
 ‘ *John Baptist College in Oxford*, as the Patrons of the Parish
 ‘ Church of *Frenchay*, on the Third Day of *April* One thousand
 ‘ eight hundred and thirty-nine, presented the Reverend *Thomas*
 ‘ *Chandler Curties* to the Rectory of *Saint John the Baptist,*
 ‘ *Frenchay*,

‘ *Frenchay*, and the said *Thomas Chandler Curties* was thereupon
‘ duly instituted to the same Rectory; and the said *Thomas*
‘ *Chandler Curties* having afterwards resigned such Living, the
‘ said President and Scholars of *Saint John Baptist College* in
‘ *Oxford* presented the Reverend *John Carter* to the same Rectory,
‘ who was duly instituted thereto, and is now considered to be and
‘ officiates as the Rector of the Parish Church of *Saint John the*
‘ *Baptist, Frenchay*; and from the Date of the said Order in
‘ Council until the Presentation of the said *Thomas Chandler*
‘ *Curties* to the Rectory of *Saint John the Baptist, Frenchay*, the
‘ Tithes by such Order in Council appropriated to the Parish
‘ of *Saint John the Baptist, Frenchay*, were received by the former
‘ Curate of the said Chapel of *Frenchay*, and since the Presenta-
‘ tion of the said *Thomas Chandler Curties* to the same Rectory
‘ such Tithes have been received by him and the said *John Carter*
‘ during their respective Incumbencies, and from the Date of the
‘ said Order in Council Banns of Marriage have been published,
‘ and Marriages celebrated or solemnized, and Baptisms and
‘ Churchings had, within the said Parish Church of *Saint John*
‘ *the Baptist, Frenchay*, and in private Houses within the said
‘ Parish of *Saint John the Baptist, Frenchay*, and Burials have
‘ been performed within the Cemetery appropriated or belonging
‘ to such Church, by the said *Thomas Chandler Curties* and *John*
‘ *Carter*, and divers other Clergymen, only a small Proportion
‘ thereof having been published, celebrated, solemnized, or per-
‘ formed by the Incumbent of the said original Parish Church of
‘ *Winterbourne*, or his Curate duly licensed in that Behalf: And
‘ whereas it is expedient, in order that there may not exist any
‘ Question as to the Validity of such of the said Banns, Marriages,
‘ Baptisms, Churchings, and Burials as were not published, cele-
‘ brated, solemnized, or performed by the Incumbent of the said
‘ original Parish Church of *Winterbourne*, or his Curate duly
‘ licensed in that Behalf, or as to any similar Banns, Marriages,
‘ Baptisms, Churchings, and Burials which may be published,
‘ celebrated, solemnized, or performed hereafter, and in order for
‘ every other Purpose to remove all Doubt as to whether the said
‘ original Parish Church of *Winterbourne* was completely divided
‘ into Two distinct Parishes immediately upon the said Order in
‘ Council being made, to enact, and be it therefore enacted by
‘ the Queen’s most Excellent Majesty, by and with the Advice and
‘ Consent of the Lords Spiritual and Temporal, and Commons, in
‘ this present Parliament assembled, and by the Authority of the
‘ same, That the Division of the said original Parish of *Winter-*
‘ *bourne* into the said Two distinct Parishes of *Winterbourne* and
‘ *Saint John the Baptist, Frenchay*, shall, as well for past as for
‘ future Purposes, be deemed and taken to have completely taken
‘ effect from the Date of the said Order in Council.

Division of
Parish of Win-
terbourne to be
deemed to have
been effected
from Date of
the Order in
Council.

C A P. XLIII.

10 G. 4. c. 22.

An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-two, and until the End of the then next Session of Parliament, an Act of the Tenth Year of King *George* the Fourth, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*.

[21st June 1841.]

C A P. XLIV.

An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-two, and from thence until the End of the next ensuing Session of Parliament, certain Acts for providing for the Administration of Justice in *New South Wales* and *Van Diemen's Land*, and for the more effectual Government thereof.

[21st June 1841.]

9 G. 4. c. 83.

2 & 3 Vict. c. 70.

3 & 4 Vict. c. 62.

The first-recited
Act, and Parts
of the other
Acts, continued.

‘ WHEREAS an Act was passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto*: And whereas the said Act hath since been continued, with certain Amendments, by Acts for that Purpose passed in the Second and Third and in the Third and Fourth Years of the Reign of Her present Majesty: And whereas the said Act of the Ninth Year of the Reign of His said late Majesty will shortly expire, and so much of the said recited Acts passed in continuance and amendment thereof as are of temporary Duration will also shortly expire, and it is expedient to continue the said first-recited Act, and also to continue so much and such Parts of the said other recited Acts as are of temporary Duration:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Ninth Year of the Reign of His said late Majesty, and so much and such Parts of the Acts so passed as aforesaid in the Reign of Her present Majesty in continuance and amendment thereof as are of temporary Duration, shall continue to be in force until the Thirty-first Day of *December* One thousand eight hundred and forty-two, and from thence until the End of the next ensuing Session of Parliament.

C A P. XLV.

An Act to amend an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Sewers*.

[21st June 1841.]

23 H. 8. c. 5.

‘ WHEREAS an Act was passed in the Twenty-third Year of the Reign of His Majesty King *Henry* the Eighth, concerning Commissions of Sewers to be directed into all Parts
‘ within

' within the then Realm of *England*, including the Principality of
 ' *Wales*, in the Manner, and according to the Form, Tenor, and
 ' Effect in the said Act set forth, and which said Act was made
 ' perpetual by an Act passed in the Third and Fourth Years of the
 ' Reign of His Majesty King *Edward* the Sixth, intituled *An Act* 3 & 4 Ed. 6. c. 8.
 ' *for the Continuance of the Statute of Sewers*, and was amended
 ' and altered by an Act passed in the Thirteenth Year of the Reign
 ' of Her Majesty Queen *Elizabeth*, intituled *An Act for the Com-* 13 Eliz. c. 9.
 ' *mission of Sewers*, and was also amended by an Act passed in
 ' the Third and Fourth Years of His late Majesty King *William*
 ' the Fourth, intituled *An Act to amend the Laws relating to* 3 & 4 W. 4. c. 22,
 ' *Sewers*: And whereas by the last-recited Act certain Payments
 ' and Recompences to Clerks and other Persons employed by the
 ' Court, and also to Witnesses, and also certain Costs, Charges,
 ' and Expences to be incurred in surveying, measuring, planning,
 ' and valuing any Lands and Hereditaments, or otherwise pre-
 ' paratory to or in or about the making, collecting, and expending
 ' certain Taxes, Rates, and Scots to be raised under or by virtue
 ' of the said recited Acts, or any or either of them, or the hearing
 ' of Objections to such Taxes, Rates, or Scots, or in or about the
 ' carrying on of any Litigation or Controversy arising out of the
 ' Duties imposed on the Courts of Sewers by virtue of the said
 ' recited Acts, and for the Payment of all other necessary Al-
 ' lowances, Charges, and Expences of putting the said several
 ' recited Acts into execution, and the contingent Expences of
 ' working the Commission of Sewers, are authorized and directed
 ' to be paid and allowed out of the said Taxes, Rates, and Scots,
 ' but the Powers in some Cases are not found sufficient to make,
 ' assess, or levy any Taxes, Rates, or Scots which could or might
 ' be applied to the several Purposes aforesaid, or any of them;
 ' and it is expedient that sufficient Power should be given to the
 ' Courts of Sewers for that Purpose: May it therefore please
 ' Your Majesty that it may be enacted; and be it enacted by the
 ' Queen's most Excellent Majesty, by and with the Advice and Con-
 ' sent of the Lords Spiritual and Temporal, and Commons, in this
 ' present Parliament assembled, and by the Authority of the same,
 ' That it shall be lawful for any Court of Sewers, for all or any of
 ' the Purposes aforesaid, but for no other Purpose whatsoever, from
 ' Time to Time, as often as Occasion shall require, to tax in the
 ' Gross, in each Parish, Township, or Place, such Lands and Here-
 ' ditaments which heretofore have been or hereafter shall be within
 ' or partly within the Jurisdiction of such Court, but so that such
 ' Lands and Hereditaments shall contribute thereto in proportion to
 ' the Benefit and Advantage received, or capable to be received,
 ' from the said Court, as compared with the Lands and Heredita-
 ' ments of the other Parishes, Townships, or Places within such
 ' Jurisdiction, which said Tax shall be denominated the General
 ' Sewers Tax, and shall be recovered and recoverable by Distress
 ' and Sale in like Manner and by all such Ways and Means as any
 ' Fine or Amerciament imposed on a Parish or Township by a
 ' Court of Sewers is now by Law recoverable; but no Distress
 ' for such General Sewers Tax shall be replevied by any Sheriff,
 ' Under Sheriff, Judge, or Court of Law or Equity whatsoever.

Courts of
 Sewers em-
 powered to
 raise Money
 by Tax.

II. And

Courts of
Sewers may
order the Ap-
portionment
and Collection
of the Tax.

II. And be it enacted, That it shall and may be lawful for any Court of Sewers to direct and authorize any Surveyor or other Person to apportion such General Tax among the Occupiers of the Lands and Hereditaments in each such Parish, Township, or Place which heretofore have been or hereafter shall be within or partly within the Jurisdiction of such Court of Sewers, in such Proportions and upon such Individuals as of right ought to pay the same; and such Tax, when so apportioned, shall be collected by some Person as shall be appointed by the Court for that Purpose, and shall be by such Person paid over to the Treasurer of or other Officer appointed by the Commissioners of Sewers at such Time as the Court of Sewers shall direct: Provided that every Occupier upon whom such General Sewers Rate shall be apportioned shall have Notice in Writing of such Apportionment Ten Days at the least before the next Court of Sewers to be held within the Limits in which the Lands and Hereditaments to be taxed shall be.

General Sewers
Tax and Ap-
portionment to
be final, if not
complained
against at the
next Court.

III. And be it enacted, That in case no Complaint shall be made against such general or apportioned Sewers Tax at the Court of Sewers held next after the Expiration of Ten Days after such Notice of Apportionment shall be made as aforesaid, such General Sewers Rate, and such Apportionment thereof, shall respectively be final and conclusive on all Parties whomsoever; but in case of any Complaint of Inequality or Non-liability to pay the said General Sewers Rate, or such Apportionment thereof respectively, the Commissioners shall at such Court or at some Adjournment thereof, or at some subsequent Court, proceed to investigate the same, by the Examination of such Witnesses as the Parties interested therein shall produce, or by the Examination of such other Witnesses as to the said Court shall seem right; and the Decision of such Court as regards such General Sewers Rate and such Apportionment thereof respectively shall be final; and such apportioned Rate shall be recoverable by Distress and Sale of the Effects of the Persons respectively rated, by Warrant under the Hands and Seals of Six of the Commissioners of Sewers, but no Distress for such apportioned Rate shall be replevied by any Sheriff, Under Sheriff, Judge, or Court of Law or Equity whatever; nevertheless the Court of Sewers shall be empowered to direct any feigned Issue, Appeal, or Action at Law, to try any Dispute which may arise as to the Inequality, or Non-liability of any Person to pay the said General Sewers Tax, or the said Apportionment thereof, the Person so objecting to the Payment thereof having first given Security to the said Court for the Payment of all Costs and Charges attendant thereon.

Power to bor-
row and take up
Money at
Interest for
general Pur-
poses.

IV. 'And whereas certain Payments, Allowances, and Expences authorized by the said recited Act of His said late Majesty King *William* the Fourth may have been and may be made and incurred before any General Sewers Rate can be recovered; be it therefore enacted, That it shall and may be lawful for Courts of Sewers from Time to Time to borrow and take up at Interest any Sum or Sums of Money for the several Purposes aforesaid, or any of them; and the Repayment of such Sum and Sums of Money, with Interest, shall from Time to Time be secured to the

Parties

Parties or Party lending the same, their, his, or her Executors, Administrators, and Assigns, upon or by virtue of a Decree or Ordinance under the Hands and Seals of the Commissioners of Sewers, or any Six of them, (which Decree and Ordinance the said Court is hereby required to make,) charging the General Sewers Rates, or any of them, to be raised under and by virtue of this Act, with the Payment of such Sum and Sums of Money, with Interest: Provided always, that it shall be provided, expressed, and declared in and by the said Decree and Ordinance that the Sum or Sums of Money so borrowed and taken up as aforesaid shall be repaid within a Time to be named in such Decree or Ordinance, not being a longer Period than Seven Years from the making thereof, by equal annual or shorter Instalments, together with the Interest on the Sum or Sums so borrowed or taken up, or on such Part thereof as shall from Time to Time remain due and unpaid; and the said last-mentioned Decree or Ordinance shall be and remain in full Force and Effect until such Sum and Sums of Money, and all Interest thereon, shall have been fully paid and satisfied; any thing in the said recited Acts or this Act contained, or any Custom or Usage, to the contrary notwithstanding.

Provision for
Repayment.

V. And for facilitating the raising, securing, and paying off from Time to Time of the Monies which it may be necessary so to raise and borrow as aforesaid, be it enacted, That it shall and may be lawful for any Court of Sewers from Time to Time to grant Securities, in the Form of a Certificate, under the Hands and Seals of Six of the Commissioners, to each Person who shall so advance any Sum of Money as aforesaid, setting forth the Amount of the Sum borrowed, the Rate of Interest payable for the same, the Periods at which the said Principal Money shall be decreed to be paid off by Instalments, and the particular General Sewers Rate which is to be charged with the Repayment thereof; and that every such Security or Certificate shall be made in the following Words, or by any other Words to the same Purport and Effect:

Courts of
Sewers may
grant Securities
to Persons ad-
vancing Money.

' **BY** virtue of an Act passed in the Year of the Reign of **Form of**
' Her Majesty Queen *Victoria*, intituled [*here insert the Title* **Security.**
' *of this Act*], we, the undersigned, being Six of the Commis-
' sioners [*here insert the general Description of the Commission*
' *under which they act*], in consideration of the Sum of
' of lawful Money of *Great Britain* to [*here insert the Name of*
' *the Treasurer*] lent and paid by do hereby certify,
' that the several General Sewers Rates to be made and levied
' within [*here insert the Name of the District or Level*] under and
' by virtue of the said Act are become charged with the Repay-
' ment of the said Sum, in Instalments of One Part
' on the Day of in every Year, together
' with Interest on such Part of the said Principal Money as shall
' remain unpaid from Time to Time, at and after the Rate of
' Pounds *per Centum per Annum*, until the whole
' thereof shall be repaid; which Sum so lent and advanced by
' the said is Part of a Capital Sum of
' which, at a Court of Sewers holden at on
' the Day of last, was decreed and
' 4 & 5 VICT. Q ordered

' ordered to be taken up and borrowed. In witness whereof we
' have hereunto set our Hands and Seals the Day
' of .

Securities may
be transferred.

VI. And be it enacted, That every Person, Body Politic, Corporate, Collegiate, Aggregate, or Sole, who shall be entitled to the Money thereby secured, and his, her, or their Executors, Administrators, and Successors, may from Time to Time, personally, or by Attorney thereunto lawfully authorized, assign or transfer his, her, or their Right, Title, Interest, or Benefit to the said Principal and Interest Money thereby secured to any Person whatsoever by endorsing on the Back of such Security, in the Presence of One credible Witness, who shall subscribe his Name thereto, the following Words, or Words to the like Effect:

Form of
Transfer.

' I [or We] A. B. of, &c., in consideration of the Sum of
' to me this Day paid by C. D. of, &c., do hereby
' transfer the within Certificate of Charge, with all my Right and
' Title to the Principal Money thereby secured, and now remaining
' due thereon, and to all the Interest Money now due or here-
' after to become due, unto [his, her, or their]
' Executors, Administrators, Successors, and Assigns [as the Case
' may be]. Given under my Hand and Seal this Day
' of .

' Witness, .

Transfers to be
produced to the
Clerk to Com-
missioners, and
to be registered
by him.

Which Transfer shall be produced and notified to the Clerk for the Time being of the said Commissioners, before the Party holding the same Transfer shall be entitled to receive any Principal or Interest due or owing as aforesaid; and every such Clerk shall make an Entry amongst the Records of the said Commissioners of the Particulars of every such Transfer, and endorse a Minute of such Entry upon the Back of every such Transfer, signed by such Clerk, and for which Entry and Minute he shall be entitled to a Fee of Five Shillings, and no more.

Courts of
Sewers may
recompense
Jurymen.

VII. And be it enacted, That it shall be lawful for any Court of Sewers, by and out of the Rates and Scots raised and to be raised under or by virtue of any Commission of Sewers, to decree, order, appoint, allow, and pay to any Jurymen summoned to attend and attending any Court of Sewers, such Allowance and Recompence for his Expences and Loss of Time as to such Court shall seem just.

Courts of
Sewers may
amend or quash
Rate on Appeal.

VIII. And be it enacted, That on all Appeals from any Rate made under the Authority of any Commission of Sewers it shall be lawful for the Court before which such Appeal shall be made to amend such Rate, either by inserting therein or striking out therefrom the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think just, without quashing such Rate: Provided nevertheless, that if the Court shall be of opinion that the Rate should be quashed, then the said Court may quash the same.

Rated Persons
not incompetent
Witnesses.

IX. And be it enacted, That no Person rated or liable to be rated to any Tax, Rate, or Scot under or by virtue of any Commission of Sewers, or any Commissioner of Sewers, shall be deemed an incompetent Witness before any Court of Sewers.

X. And

X. And be it enacted, That if any Difference shall arise upon the Choice of a Chairman at any Court or Meeting of Commissioners of Sewers, such Chairman shall be chosen by the Majority of Commissioners present thereat; and in case there shall be an equal Number of Votes upon such Choice, then such One of the Persons proposed whose Name shall stand first in the Commission under which such Court or Meeting is holden shall be the Chairman thereof; and the Chairman of every such Court or Meeting, in all Cases of an equal Number of Votes upon any Question or Matter (including his own Vote), shall have a casting or decisive Vote.

How Chairman
shall be chosen.

XI. And be it enacted, That it shall be lawful for the Commissioners acting under any Commission of Sewers to hold Courts and Meetings of Commissioners of Sewers at any Place not being a greater Distance than Ten Miles from any Part of the Limits or District within their Jurisdiction under such Commission.

Commissioners
of Sewers to
hold Meetings.

XII. And be it enacted and declared, That in all Cases when it hath happened or may hereafter happen that a sufficient Number of Commissioners of Sewers to constitute a Court or Meeting shall not have met or shall not meet on the Day appointed for holding any such Court or Meeting, and in all Cases where any such Court or Meeting shall not have been or shall not be duly adjourned by the Majority of Commissioners present thereat, it shall be lawful for any One or more of the Commissioners named in such Commission, by some Writing under his or their Hands, to appoint a Court or Meeting of such Commissioners to be holden at such Time and Place as he or they may think fit, of which Court or Meeting Ten clear Days Notice shall be given by Advertisement inserted in some Newspaper circulated in the County into which such Commission shall run, and when the same shall run into more than One County, then in some Newspaper circulated in each of such Counties, and that the Majority of Commissioners present at any Court or Meeting (notwithstanding the whole Number present be less than Six) may adjourn and are hereby authorized and empowered to adjourn the same respectively to any future Day and to such Place as to them may seem fit, and that the Commissioners present at any Court or Meeting so appointed as aforesaid, or at any such adjourned Court or Meeting as aforesaid (the whole Number present not being less than Six), or the Majority of them, shall and may exercise and perform all the Powers, Authorities, and Duties vested in such Commissioners under or by virtue of any Commission of Sewers.

Regulating
Meetings of
Commissioners
of Sewers.

XIII. And be it enacted, That nothing in this Act contained shall prevent any Court of Sewers from executing all or any of the Powers and Provisions usually heretofore exercised under or by virtue of the said recited Acts, or any or either of them, or the Law of Sewers of old Time accustomed.

Saving Powers
of Courts of
Sewers.

XIV. And be it enacted, That all Indemnities, Immunities, and Liabilities given to or imposed upon Commissioners of Sewers and other Persons in and by the said recited Act passed in the Third and Fourth Years of His said late Majesty King *William* the Fourth shall be deemed and construed to extend to all Persons acting in the Execution of this Act.

Indemnities, &c.
of 3 & 4 W. 4.
c. 22. extended
to this Act.

This Act not
to prejudice
any Local Act.

XV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect, alter, abridge, or interfere with any Local or Private Act of Parliament for Sewers concerning any County, City, Town, District, Lands, or Limits, or any Commission of Sewers in the County of *Middlesex*, within the Distance of Ten Miles from the *Royal Exchange* in the City of *London*, except such Parts of the said County as may lie within any Commission of Sewers for the County of *Essex*; or to affect, alter, abridge, or interfere with any Navigable River, Canal, Port, or Harbour under the Management or Power of any Commissioners, Trustees, or Proprietors by virtue of any Local or Private Act of Parliament; or to affect, alter, abridge, or interfere with any Charter, Law, Usage, or Custom in or concerning *Romney Marsh* in *Kent*, or the Great Level of the Fens called *Bedford Level*, or any Lands, Banks, Waters, Watercourses, Sluices, Bridges, Drains, or Works belonging to or under the Jurisdiction, Power, or Control of the Commissioners of the North Level and *Portsand*, in the Counties of *Cambridge*, *Northampton*, and *Lincoln*, or of the Commissioners of the *Nene* Outfall, in the Counties of *Cambridge*, *Lincoln*, and *Norfolk*, or of their Committees respectively.

Saving the
Rights of the
City of London.

XVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or in anywise affect, alter, abridge, or interfere with the Commissioners of Sewers of the City of *London* and Liberties thereof, or the Rights, Powers, or Privileges of the Mayor and Commonalty and Citizens of the City of *London*, in relation to the Sewers, Drains, Vaults, and Bridges within the said City or Liberties, or any Act or Acts heretofore passed for making, amending, defending, widening, altering, or cleansing the said Sewers, Drains, Vaults, and Bridges within the said City and Liberties.

Guarding the
Powers of the
Commissioners
of Sewers for
Westminster,
&c.

XVII. Provided always, and be it enacted, That nothing in this Act contained shall prejudice, diminish, alter, limit, interfere with, take away, control, or suspend, or be held or construed to prejudice, diminish, alter, limit, interfere with, take away, control, or suspend, any of the Rights, Privileges, Jurisdictions, Powers, and Authorities vested in or belonging to the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, but that all such Rights, Privileges, Jurisdictions, Powers, and Authorities shall be as good, valid, and effectual as if this Act had not been passed.

Saving Rights
of Bedford
Level Corpora-
tion.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to abridge, invalidate, lessen or diminish, alter or take away, any of the Rights, Powers, Privileges, and Authorities vested in the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, or in the Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation, by virtue of an Act passed in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for settling the Drainage of the Great Level of the Fens* called *Bedford Level*, or by any other Act, Statute, or Charter, Law of Sewers, or otherwise howsoever; but that all Rights, Powers, and Authorities which are now vested in the said Governor, Bailiffs, and

Commonalty, or in the said Governor, Bailiffs, and Conservators, and in every or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes as if this Act had not been passed.

C A P. XLVI.

An Act to empower the Commissioners for the Issue of Exchequer Bills for public Works to complete the Works authorized to be made by an Act of the Sixth and Seventh Year of His late Majesty King *William* the Fourth, "for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*;" and to extend the Time for that Purpose. [21st June 1841.]

‘ WHEREAS an Act was passed in the Ninth Year of the
 ‘ Reign of His late Majesty King *George* the Fourth, inti-
 ‘ tuled *An Act for making and maintaining a navigable Cut or* 9 G. 4. c. cxviii.
 ‘ *Canal from a Point at or near the Black Rock in the Harbour*
 ‘ *of Tralee in the County of Kerry to Croompanrickard near the*
 ‘ *Town of Tralee in the said County, and for otherwise improving*
 ‘ *the said Harbour of Tralee*, whereby certain Persons were in-
 ‘ corporated, and were created One Body Corporate, by the
 ‘ Name and Style of “The Commissioners of the Harbour of
 ‘ *Tralee*,” for the Purposes of erecting, making, and completing
 ‘ the said Canal and the other Works by such Act authorized
 ‘ and required: And whereas it was by the said recited Act
 ‘ enacted, that in case the said Canal and the other Works in
 ‘ and by the said Act authorized and required should not have
 ‘ been completed and made in the Space of Eight Years, to be
 ‘ computed from the passing thereof, then and from thenceforth
 ‘ all the Powers, Authorities, and Privileges given by the said Act
 ‘ should cease and determine, save only and except as to so much
 ‘ (if any) of the intended Canal, Basin, Dock, Harbour, and other
 ‘ Works therein mentioned as should have been declared and cer-
 ‘ tified to have been completed within the said Term by the
 ‘ Justices of the Peace for the County of *Kerry* assembled at any
 ‘ Quarter Sessions of the Peace to be holden in and for the said
 ‘ County at any Time before the Expiration of the said Term of
 ‘ Eight Years, or within Six Calendar Months next after the Ex-
 ‘ piration thereof: And whereas another Act was passed in the
 ‘ Sixth and Seventh Years of the Reign of His late Majesty
 ‘ King *William* the Fourth, intituled *An Act to extend the Time* 6 & 7 W. 4.
 ‘ *limited by an Act passed in the Ninth Year of the Reign of His* c. cxiv.
 ‘ *late Majesty King George the Fourth for improving the Navi-*
 ‘ *gation and Harbour of Tralee in the County of Kerry*, whereby,
 ‘ after reciting that the said Commissioners had proceeded in the
 ‘ Execution of the said recited Act, and had made great Progress
 ‘ in the cutting, making, forming, and completing the said Canal,
 ‘ and other the Works in and by the said Act authorized to be
 ‘ made, and had entered into Contracts in relation to the same,
 ‘ but in order to complete the said Canal and other the Works
 ‘ contemplated by the said Act it was necessary that further Time
 ‘ should

' should be granted for that Purpose, it was enacted, that the
 ' Time limited by the said first-recited Act for the Completion of
 ' the said Canal and the Works authorized to be made under the
 ' said first-recited Act should be and the same was thereby ex-
 ' tended for the further Term of Five Years; but by the said Act
 ' now in recital it was provided and further enacted, that in case
 ' the said Canal and other Works authorized by the said first-
 ' recited Act to be made should not be made and completed
 ' within the said Term of Five Years, to be computed from the
 ' passing of the Act now in recital, then from and after the Ex-
 ' piration of the said Term of Five Years all Powers, Autho-
 ' rities, and Privileges by the said recited Act given to or con-
 ' ferred upon the said Commissioners for making such Canal, and
 ' the several Works, Matters, and Things belonging thereto or
 ' connected therewith, should cease and determine, save only and
 ' except as to so much of the said Canal and other Works as
 ' should have been declared and certified to have been completed
 ' within the said Term by the Justices of the Peace of the said
 ' County of *Kerry* assembled at any Quarter Sessions of the Peace
 ' to be holden for the said County at any Time before the Expir-
 ' ation of the said Term of Five Years, or within Six Calendar
 ' Months next after the Expiration thereof, upon the Evidence
 ' of One or more Witness or Witnesses upon Oath to be produced
 ' before them for that Purpose: And whereas in the Year One
 ' thousand eight hundred and thirty-two the said Commissioners
 ' of the Harbour of *Tralee* borrowed of the Commissioners for
 ' carrying into execution the several Acts passed for authorizing
 ' the Issue of Exchequer Bills and Advance of Money for carrying
 ' on public Works and Fisheries, and Employment of the Poor,
 ' and particularly an Act passed in the Sixth Year of the Reign
 ' of His late Majesty King *George* the Fourth, intituled *An Act to*
 ' *render more effectual the several Acts for authorizing Advances*
 ' *for carrying on public Works, so far as relates to Ireland, the*
 ' Sum of Six thousand Pounds, and for securing the Repayment
 ' thereof, with Interest, by the Instalments, at the Times, and in
 ' manner mentioned in the Indenture of Mortgage herein-after
 ' recited, the said Commissioners of the Harbour of *Tralee* ex-
 ' ecuted to the Secretary of the said Commissioners for the Issue
 ' of Exchequer Bills a Mortgage, bearing Date the Eighteenth
 ' Day of *July* One thousand eight hundred and thirty-two, of all
 ' and every the Rates, Tolls, Duties, and Receipts, Hereditaments,
 ' Chattels, and Property whatsoever, of or belonging to the said
 ' Commissioners of the Harbour of *Tralee*: And whereas, Default
 ' having been made in Payment of certain of the Instalments of
 ' Principal and Interest which had become due on the said Mort-
 ' gage, the said Commissioners for the Issue of Exchequer Bills,
 ' in pursuance of the Powers and Provisions of their said Acts,
 ' have entered into and are now in possession of the Works and
 ' Property of or belonging to the said Commissioners of the
 ' Harbour of *Tralee*; and it is expedient, in order to prevent the
 ' Loss of the Sum of Five thousand four hundred Pounds, Part of
 ' the said Sum of Six thousand Pounds, with the Interest thereon,
 ' by reason of the incomplete State of the said Canal and other
 ' Works by the said first-recited Act authorized or required to be

6 G. 4. c. 35.

' made and executed, that the same should be completed by the said Commissioners for the Issue of Exchequer Bills for public Works, but in order thereto it is necessary that further Time should be granted for that Purpose;' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Time limited by the said last-recited Act for the Completion of the said Canal and other Works by the said first-recited Act authorized and required to be made and executed shall be and the same is hereby extended for the further Term of Three Years, to be computed from the Expiration of the said Term of Five Years by the said last-recited Act limited for such Purposes as aforesaid.

The Time limited by the last-recited Act for the Execution of the Works extended for 3 Years.

II. Provided always, and be it enacted, That in case the said Canal and other Works by the said first-recited Act authorized to be made and executed shall not be made and completed within the said Term of Three Years, to be computed from the Expiration of the said Term of Five Years by the said last-recited Act limited for such Purposes as aforesaid, then from and after the Expiration of the said Term of Three Years all the Powers, Authorities, and Privileges by the said first-recited Act given to or conferred upon the said Commissioners for making such Canal, and the several Works, Matters, and Things belonging thereto or connected therewith, shall cease and determine, save only and except as to so much of the said Canal and other Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Kerry* assembled at any Quarter Sessions of the Peace to be holden for the said County at any Time before the Expiration of the said Term of Three Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of any One or more Witness or Witnesses upon Oath to be produced before them for that Purpose.

The Powers given by the first-recited Act to cease at the End of the said Term, save as to Works certified by Justices of Kerry to have been completed.

C A P. XLVII.

An Act to amend an Act of the last Session, for continuing and amending the Laws for the Relief of Insolvent Debtors in *Ireland*. [21st June 1841.]

' WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to continue and amend the Laws for the Relief of Insolvent Debtors in Ireland*, it was among other things enacted, that the Commissioners of the Court for the Relief of Insolvent Debtors in *Ireland* for the Time being should and might, by One or more Commission or Commissions under the Seal of the said Court, from Time to Time as Occasion should require, empower such and so many fit and proper Persons as they should think necessary, in all and every the Assize Towns of *Ireland*, to take and receive all and every the Recognizance and Recognizances of Sureties into which any Person might be willing to enter for the due Appearance of Insolvent Debtors, according to such several and respective Recognizances

3&4 Vict. c. 107.

A Fee of 2s. 6d. may be charged for taking a Recognizance.

Court may direct an Insolvent, not ordered to be brought up, to be discharged on finding Two Sureties.

Order of detaining Creditor for Discharge of Insolvent shall be void, if the Insolvent shall signify to the Gaoler his Desire to that Effect.

‘ and in such Form as the said Court, in pursuance of the said recited Act, should and might direct and require: And whereas it is just and expedient that the Persons so empowered and hereafter to be empowered to take and receive such Recognizances of Sureties as aforesaid shall be paid a reasonable Compensation for the taking and receiving thereof;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Person, or Persons so empowered or hereafter to be empowered shall, for the taking of every such Recognizance of Sureties, receive the Sum or Fee of Two Shillings and Sixpence, and no more.

II. And be it enacted, That after any Insolvent shall have filed his Petition and Schedule in the said Court according to the Provisions of the said recited Act, it shall be lawful for the said Court, if it shall so think fit, (notwithstanding that no Order may have yet been made under the said Act directing such Insolvent to be brought up in order to be dealt with according to the Provisions thereof,) to direct such Insolvent to be discharged out of Custody on his finding Two sufficient Sureties to enter into a Recognizance to the Provisional Assignee of the said Court, in such Sum as the said Court shall think fit, with a Condition that such Insolvent shall duly appear at such Time and Place as shall be thereafter fixed by the said Court for the Hearing of the Petition of such Insolvent, and on every adjourned Hearing, and shall abide by the final Judgment of the said Court, or a Commissioner thereof on his Circuit, and on such other Terms, if any, as the said Court shall think fit to impose; and such Recognizance shall be as valid and effectual to all Intents and Purposes, and it shall be lawful for the said Court to do all such Acts, and make all such Orders in relation thereto, and to the Forfeiture thereof, if the same shall be forfeited, as if the Time and Place for the Hearing of the Petition of such Insolvent had been theretofore fixed by the said Court, and specified in the Condition of such Recognizance.

III. ‘ And whereas it is not just or reasonable that any Insolvent who shall have petitioned according to the Provisions of the said recited Act shall be deprived of the Benefit thereof, by reason of any Order for his Discharge given by his detaining Creditor or Creditors without the Will or Consent of such Insolvent;’ be it therefore enacted, That if at any Time after the filing of the Petition of any such Insolvent, and previous to the final Adjudication of the said Court in the Matter of such Petition, any Order of Discharge shall be given by any detaining Creditor or Creditors of such Insolvent (whether such Insolvent shall be then in actual Custody, or at large on Recognizance of Sureties,) such Order of Discharge shall be void and of no Effect, if such Insolvent shall, on the same being notified to him, forthwith signify to the Gaoler in that Behalf his Desire that such Order of Discharge shall be so void; and in such Case such Insolvent shall and may be brought up, or duly appear, (as the Case may be,) to be dealt with according to the Provisions of the said recited Act, to all Intents and Purposes, as if no such Order of Discharge had been given by such detaining Creditor or Creditors as aforesaid.

IV. ‘ And

IV. ' And whereas Provision is made in and by the said recited Act for the occasional Absence of the Two Commissioners of the said Court on Circuit at different Places at the same Time, and for the Adjournment of the said Court for that Purpose, and also for the occasional Adjournments of the said Court during the Period between the last Day of *Trinity* Term and the First Day of *November* in every Year: And whereas it is expedient that any Insolvent who shall have petitioned the said Court for Relief according to the Provisions of the said recited Act shall not, by reason of any such Absence or Adjournment as aforesaid, be delayed in obtaining his Discharge out of Custody on his finding such Sureties to enter into such Recognizance as in the said recited Act or in this Act is mentioned; be it therefore enacted, That if the said Two Commissioners of the said Court shall at any Time be so absent as aforesaid from the said Court on Circuit at different Places at the same Time, or if the said Court shall at any Time be adjourned, in pursuance of the Provisions of the said recited Act, during the said Period between the last Day of *Trinity* Term and First Day of *November* in any Year, it shall be lawful for any fit Person, being a Barrister-at-Law, and appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to execute the Duties and Functions of such Commissioners during such Absence or Adjournment, so far as such Duties and Functions relate to the directing any Insolvent to be discharged out of Custody, on his finding such Sureties to enter into such Recognizance as in the said recited Act or this Act is mentioned; and that all Things done according to the Provisions of the said recited Act or of this Act by such Person so appointed as aforesaid during such Absence or Adjournment, so far as the same shall relate to the directing such Discharge of any Insolvent out of Custody as aforesaid, shall be good and valid to all Intents and Purposes as if the same had been done by the said Commissioners of the said Court or either of them: Provided always, that it shall be lawful for the said Commissioners or either of them, being present in *Dublin*, to execute all such Duties and Functions as aforesaid during any Adjournment of the said Court.

Provision for taking Bail while Commissioners are absent on Circuit or during Adjournments.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

C A P. XLVIII.

An Act to render certain Municipal Corporations rateable to the Relief of the Poor in certain Cases.

[21st June 1841.]

' **W**HEREAS the Municipal Corporations of Cities and Boroughs named in the Schedules (A.) and (B.) annexed to the Act passed in the Sixth Year of the Reign of King *William* the Fourth, to provide for the Regulation of Municipal Corporations in *England* and *Wales*, have been held not to be liable by Law to be rated to the Relief of the Poor in respect of any Lands, Tenements, and Hereditaments being the Properties and in the Occupation of such Municipal Corporations, by reason that the Income arising therefrom is applicable to public Purposes only;

Certain Municipal Corporations rated to the Poor.

‘only; and it is expedient that such Municipal Corporations should nevertheless in some Cases be rateable and be rated to the Relief of the Poor in respect of such Property:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Municipal Corporations named in the said Schedules shall, from and after the passing of this Act, be rateable and be rated to the Relief of the Poor in respect of Lands, Tenements, and Hereditaments being the Property and in the Occupation of such Municipal Corporations, as if such Lands, Tenements, and Hereditaments were not Corporate Property, any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that where such Property lies in any Parish which is situate wholly within the Boundaries and Limits of a City or Borough named in the said Schedules, and in which City or Borough the Poor are relieved by one entire Poor Rate, or in which City or Borough the Poor within the Boundaries or Limits thereof as existing for Municipal Purposes at the Time of passing the said Act were then relieved by one entire Poor Rate, the Exemption of such Property from Rateability shall continue as if this Act had not passed.

The said Corporations to be deemed beneficial Occupiers.

II. And be it enacted, That any of the said Municipal Corporations, being in the Occupation of such Lands, Tenements, and Hereditaments as are herein-before described, shall be deemed and taken to be beneficial Occupiers thereof, for all the Purposes of rating, as if such Occupation was for their own private Advantage, and not for any public Purposes or Purpose, and shall be liable to be rated as such Occupiers by their Corporate Style and Title.

C A P. XLIX.

An Act to provide for repairing, improving, and rebuilding County Bridges. [21st June 1841.]

‘WHEREAS the Expence of maintaining, altering, widening, repairing, improving, and rebuilding County Bridges, and Approaches thereto, is in some Instances considerable, and it is expedient that the Money required for that Purpose should, in certain Cases, be borrowed on Security of the County Rate:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when it shall appear to the Justices assembled at any General or Quarter Sessions of the Peace to be holden at any Time after the passing of this Act in any County, Riding, or Division in *England or Wales*, that the Amount of any Estimate approved by the said Justices for the upholding, maintaining, supporting, altering, widening, repairing, improving, or rebuilding of any County Bridge or Bridges, or the Approaches thereto, or the Land Arches connected therewith, which any County is legally bound to repair or maintain, shall exceed One Fourth of the Amount of the ordinary annual Assessment for the Rate of any County, Riding, or Division (such ordinary Assessment to be taken on an Average of such Rate for the last

Justices at Sessions may borrow Money for repairing County Bridges on the Credit of the County Rate.

last Seven Years preceding), it shall be lawful for the Justices in Quarter Sessions assembled from Time to Time to borrow and take up on Mortgage of such Rate, by Instrument in the Form contained in the Schedule to this Act annexed marked (A.), or to the like Effect, any Sum of Money not exceeding the Amount of such Estimate, in Sums not less than Fifty Pounds each, at Interest, as to the said Justices shall appear necessary and expedient for the Purposes aforesaid, and to secure every such Sum of Money so borrowed upon the Credit of the said Rate; and it shall and may be lawful for the Justices so assembled and they are hereby authorized to treat and agree with any Person for the Loan of any such Sums of Money, and by their Order to confirm every such Agreement; and every such Agreement, signed by the Chairman and Two or more other Justices present at the Time of making such Order, shall be and the same is hereby declared to be effectual for securing every Sum of Money so advanced, with Interest thereon, to the Person or Persons advancing the same, on such Terms as in and by such Agreement shall be stipulated; and Copies or Extracts of all such Agreements shall be kept by the Clerk of the Peace; and it shall and may be lawful for every Person who shall be entitled to the Money thereby secured, and such Person is hereby empowered, by endorsing his Name on the Back of such Security, to transfer the same, and his Right to the Principal Money and Interest thereby secured, unto any other Person; and every such Assignee may in like Manner transfer the same again, and so *toties quoties*; and the Person to whom such Security, or any such Assignment thereof, shall be made, and his Executors, Administrators, and Assigns, shall be Creditors upon the said Rate in an equal Degree one with another, and shall not have any Preference with respect to the Priority of any Monies so advanced.

II. And be it enacted, That it shall and may be lawful for the said Justices and they are hereby authorized and required to charge the Rate to be raised upon such County, Riding, or Division, not only with the Interest of the Money so borrowed, but also with the Payment of such further Sum as shall insure the Payment of the whole of the Sum borrowed within Fourteen Years from the Time of borrowing the same; and such Sums shall be assessed on the County, Riding, or Division in such Manner as County Rates are directed to be assessed under the Laws in force for that Purpose, and shall be paid and applied, under the Direction of the Justices, in discharge of the Interest and of so many of the Principal Sums on the said Securities as such Money will extend to discharge in each Year, until the whole of the Money for which such Securities shall be made, and the Interest thereof, shall be fully paid and discharged; and the Justices shall and they are hereby required to fix One or more Day or Days in each Year on which such Payment shall be made, and shall make Orders for Assessments in due Time, so as to provide for the regular Payment thereof; and such Justices shall also and they are hereby required to appoint a proper Person to keep an exact and regular Account of all the Receipts and Payments under the Authority of this Act, in a Book or Books, separate and apart from all other Accounts, and the same to adjust and settle in such Manner that it may easily be seen what Interest is growing due, and what Principal Money

Justices may agree with Persons for Loans.

Copies of Agreements to be kept by the Clerk of the Peace.

Justices may charge the County Rate with Interest on the Money borrowed, and such further Sum as shall insure the Repayment thereof in 14 Years.

Books to be kept of Receipts and Payments.

Money has been discharged, and what remains due, and the Books or Book so adjusted and settled to deliver into Court at any General or Quarter Sessions to be held for such County, Riding, or Division; and the Justices shall also and they are hereby required at every such Sessions carefully to inspect all such Accounts, and to make Orders for carrying the Purposes of this Act into execution, in such Manner as to them shall seem meet; and the Justices so assembled in Sessions as aforesaid shall direct in what Order such Securities shall be discharged, by drawing Lots or otherwise, as they shall think fit, taking care to discharge, in the first place, all such Securities as shall bear the highest Rate of Interest.

Notice to be given of borrowing Money on Mortgage of the County Rate.

III. Provided always, and be it enacted, That the Justices shall not make any Order for the borrowing Money upon Mortgage of the Rate for any of the Purposes aforesaid, unless a Notice in Writing of the Intention to make the Application, signed by Two at least of the Justices usually acting in and for the Division within which the Bridge in question is situated, shall have been given to the Clerk of the Peace Four Weeks previous to the holding of the Sessions at which such Application is intended to be made, and shall also have been published in the Newspaper or Newspapers in which Notice of holding the Quarter Sessions is usually published, together with such last-mentioned Notice.

Powers of 6 G. 4. c. 40. applied to this Act.

IV. And be it enacted, That an Act passed in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to enable Justices of the Peace, in England, in certain Cases, to borrow Money on Mortgage of the Rate of the County, Riding, or Place for which such Justices shall be then acting*, and the several Clauses, Powers, and Provisions in the said recited Act contained relating to the paying off of any Debt or Debts, and the borrowing of any Money for such Purpose, shall and may be applied in the paying off any Money borrowed under the Provisions or for the Purposes of this Act, as fully and effectually as if such Clauses, Powers, and Provisions were repeated and re-enacted in this Act.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

(A.)

FORM of MORTGAGE and CHARGE upon the COUNTY RATE for securing MONEY borrowed.

WE, *A.B.* One of Her Majesty's Justices of the Peace and Chairman of the Court of Quarter Sessions of the Peace holden at
on the _____ Day of _____ for the
County, *et cætera*, of _____ [as the Case may be], *C.D.*
and *E.F.* Esquires, Two other of Her Majesty's Justices of the Peace acting for the said County, *et cætera*, and assembled in the said Court, in pursuance of the Powers to us given by an Act passed in the Fourth Year of the Reign of Her Majesty Queen Victoria, intituled, *et cætera* [insert the Title of this Act], do hereby in open Court mortgage and charge all the Rates to be raised within the said County, *et cætera* [as the Case may be], under the

the Description of County Rates, by the Laws now in being, with the Payment of the Sum of which *G.H.* of

hath proposed and agreed to lend, and hath now actually advanced and paid, towards defraying the Expences of upholding, maintaining, supporting, altering, widening, repairing, improving, or rebuilding [*as the Case may be*] a certain County Bridge at or certain County Bridges at

and [*as the Case may be*] in the said County, and the Approaches thereto [*as the Case may be*] in the said County, *et cætera*, and we do hereby assign the same unto the said *G.H.*, his Executors, Administrators, and Assigns, for securing the Payment of the Sum of

and Interest for the same after the Rate of per Centum per Annum, and do order the Treasurer for the said County, *et cætera*, or other Person, [*as the Case may be*,] to pay the Interest of the said Sum of half-yearly as the same shall become due, until the Principal shall be discharged, pursuant to the Directions of the said Act.

C A P. L.

An Act to make further Provision relative to the Returns to be made by Banks of the Amount of their Notes in Circulation. [21st June 1841.]

‘**W**HEREAS by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to compel Banks issuing Promissory Notes payable to Bearer on Demand to make Returns of their Notes in Circulation, and to authorize Banks to issue Notes payable in London for less than Fifty Pounds*, all Corporations and Copartnerships carrying on Banking Business under the Provisions of a certain Act therein recited, passed in the Seventh Year of the Reign of King *George* the Fourth, and all other Persons carrying on Banking Business, and making and issuing Promissory Notes payable to Bearer on Demand, are required respectively to keep certain Weekly Accounts of the Amount of Notes in Circulation, and to make up a Quarterly Account of the average Amount of such Notes in Circulation, and to return and deliver such Quarterly Account to the Commissioners of Stamps, at the Stamp Office in *London*, at the Times and in the Manner by the said first-recited Act directed: And whereas it is expedient to amend the said first-recited Act, and to require all such Corporations, Copartnerships, and Persons carrying on Banking Business in any Part of the United Kingdom to render more frequent Returns of the Amount of their Notes in Circulation:’

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *July* One thousand eight hundred and forty-one all Corporations and Copartnerships carrying on Banking Business under the Provisions of the said Act passed in the Seventh Year of the Reign of King *George* the Fourth, and all other Persons carrying on Banking Business in *England* and *Wales*, and making and issuing

3 & 4 W. 4. c. 83.
Bankers in England, Scotland, and Ireland, respectively issuing Promissory Notes payable to Bearer on

Demand, to keep Accounts of the Amount in Circulation, and to make Returns thereof every Four Weeks.

Penalty for Default, 50*l*.

Accounts to be verified by Affidavit or Affirmation.

An Account to be made up every Four Weeks from the Accounts to be rendered by the Bank of England, and by other Bankers, and to be published in the London Gazette.

issuing Promissory Notes payable to Bearer on Demand, and all Corporations, Copartnerships, and Persons carrying on such Business, and making and issuing such Promissory Notes as aforesaid, in *Scotland*, and also the Governor and Company of the Bank of *Ireland*, and all Corporations, Copartnerships, and Persons carrying on such Business, and making and issuing such Promissory Notes as aforesaid, in *Ireland*, shall severally keep just and true Accounts of the Amount of Notes in Circulation at the Close of the Business in each Week, and shall, at the End of every Four Weeks, make up from such Weekly Accounts a just and true Account of the average Amount of such Notes in Circulation during such Four Weeks; and shall also, within Seven Days after the Conclusion of such Four Weeks, return and deliver such last-mentioned Account for the Four Weeks immediately preceding, and so on every successive Four Weeks, such Accounts being always verified in the Manner herein-after directed, to the Commissioners of Stamps and Taxes, at their head Office in *Westminster*, upon pain that any Corporation, Company, Copartnership, or Persons or Person, who shall neglect or omit to keep, or to return and deliver, any such Account in the Manner directed by this Act, shall for every such Neglect or Omission forfeit the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in the Name of Her Majesty's Attorney or Solicitor General in *England* or *Ireland*, or of Her Majesty's Advocate General in *Scotland*.

II. And be it enacted, That every such Account so to be returned and delivered to the Commissioners of Stamps and Taxes as aforesaid shall be verified by the Affidavit or Affirmation of the Secretary, Accountant, Cashier, or other chief Clerk or Officer of the Corporation, Company, or Copartnership, or Persons or Person, so carrying on Banking Business and making such Return; and such Affidavit or Affirmation shall be made before any Justice of the Peace in any Part of the United Kingdom, or before a Master Extraordinary in Chancery, or any Person authorized to take Affidavits by any of the Superior Courts in *England* or *Ireland*; and no such Affidavit or Affirmation shall be liable to any Stamp Duty.

III. And be it enacted, That from the Accounts which shall be rendered by the Governor and Company of the Bank of *England* in pursuance of the Act in that Behalf, and also from the Accounts which shall be rendered in pursuance of this Act, there shall be made up an Account of the average aggregate Amount of Promissory Notes payable to Bearer on Demand which have been in Circulation in the United Kingdom during the preceding Four Weeks, and so on every successive Four Weeks, distinguishing those circulated by the Bank of *England*, by private Banks, and by Joint Stock Banks in *England* and *Wales*, by the Banks in *Scotland*, by the Bank of *Ireland*, and by all other Banks in *Ireland*, and of the average Amount of the Bullion in the Bank of *England* during the preceding Four Weeks; and such Account shall be published in the *London Gazette* in every Four Weeks as soon as the same can conveniently be prepared for that Purpose.

C A P. LI.

An Act to amend an Act of the Third Year of King *George the Fourth*, for regulating Turnpike Roads in *England*, and also an Act of the Fifth and Sixth Years of King *William the Fourth*, for consolidating the Laws relating to Highways in *England*. [21st June 1841.]

WHEREAS by an Act passed in the Third Year of the Reign of King *George the Fourth*, intituled *An Act to amend the general Laws now in being for the regulating Turnpike Roads in that Part of Great Britain called England*, it is amongst other things enacted, “that it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing any Turnpike Road, or for other such Purpose or Purposes as aforesaid, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting in and for the County, Liberty, or Place where the Lands from whence such Materials are intended to be taken shall be, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, or carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer,) make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended:” And whereas by an Act passed in the Session held in the Fifth and Sixth Years of the Reign of King *William the Fourth*, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England*, it is amongst other things enacted, “that it shall not be lawful for any Surveyor, or any other Person acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing any Highway out of or from any inclosed Land or Ground, until One Calendar Month’s Notice in Writing, signed by the Surveyor, shall have been given to the Owner of the Premises from which such Materials are intended to be taken, or to his known Agent, and to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Agent, and also of such Occupier, to appear before the Justices at a Special Sessions for the Highways, to show

3 G. 4. c. 126.

5 & 6 W. 4. c. 50.

‘ show Cause why such Materials shall not be had therefrom; and
 ‘ in case such Owner, Agent, or Occupier shall attend pursuant to
 ‘ such Notice, but shall not show sufficient Cause to the contrary,
 ‘ such Justices shall, if they think proper, authorize such Sur-
 ‘ veyor or other Person to dig, get, gather, take, and carry away
 ‘ such Materials, at such Time or Times as to such Justices shall
 ‘ seem proper; and if such Owner, Agent, or Occupier shall neg-
 ‘ lect or refuse to appear by himself or his Agent, the said
 ‘ Justices shall and may, upon Proof on Oath of the Service of
 ‘ such Notice, make such Order therein as they shall think fit, as
 ‘ fully and effectually, to all Intents and Purposes, as if such
 ‘ Owner or Occupier, or his Agent, had attended:” And whereas
 ‘ Doubts have been entertained whether the Words “inclosed
 ‘ Land or Ground,” used in the said recited Acts, include Land
 ‘ being the private and exclusive Property of any Person or Per-
 ‘ sons, but not being actually inclosed with a Fence: And whereas
 ‘ large Portions of such Land are occupied for agricultural Pur-
 ‘ poses by the Owners or Occupiers thereof respectively, without
 ‘ the same being inclosed with any Fence; and it is expedient
 ‘ that the Materials referred to in the said recited Acts should not
 ‘ be taken from any such Land without previous Notice being
 ‘ given to the Owners or Occupiers thereof, and the Authority
 ‘ herein-after mentioned obtained for that Purpose:’ Be it there-
 ‘ fore enacted by the Queen’s most Excellent Majesty, by and with
 ‘ the Advice and Consent of the Lords Spiritual and Temporal,
 ‘ and Commons, in this present Parliament assembled, and by the
 ‘ Authority of the same, That from and after the passing of this
 ‘ Act all Lands and Grounds which shall be in the exclusive Occu-
 ‘ pation of One or more Persons for agricultural Purposes shall be
 ‘ deemed and taken to be inclosed Lands or Grounds within the
 ‘ Meaning of the said recited Acts, although the same may not be
 ‘ separated from any adjoining Lands or Grounds of other Persons,
 ‘ or from the Highway, by any Fence or other Inclosure.

Lands in the
 exclusive Occu-
 pation of Per-
 sons for agricul-
 tural Purposes
 to be deemed
 inclosed Lands.

C A P. LII.

An Act to amend an Act of the Fourth Year of Her pre-
 sent Majesty, intituled *An Act for facilitating the Adminis-
 tration of Justice in the Court of Chancery.* [21st June 1841.]

3 & 4 Vict. c. 94.

‘ **W**HEREAS by an Act passed in the Fourth Year of the
 ‘ Reign of Her present Majesty, intituled *An Act for facili-
 ‘ tating the Administration of Justice in the Court of Chancery,*
 ‘ it was among other things enacted, that the Lord Chancellor,
 ‘ with the Advice and Consent of the Master of the Rolls and
 ‘ the Vice Chancellor, or One of them, might and he was thereby
 ‘ required within Five Years from the passing of the same Act, to
 ‘ make certain Rules, Orders, and Regulations (with reference to
 ‘ the Forms and Mode of Proceeding in the said Court of Chan-
 ‘ cery), and otherwise as therein mentioned, and that all such
 ‘ Rules, Orders, and Regulations should be laid before both
 ‘ Houses of Parliament, if Parliament should be then sitting, im-
 ‘ mediately upon the making and issuing the same, or if Parlia-
 ‘ ment should not be sitting then within Five Days after the next
 ‘ Meeting thereof; and that no such Rule, Order, or Regulation
 ‘ should

‘ should have effect until each House of Parliament should have
 ‘ actually sat Thirty-six Days after the same should have been laid
 ‘ before each House of Parliament as aforesaid; and that every
 ‘ such Rule, Order, or Regulation so made should from and after
 ‘ the Time aforesaid be binding and obligatory on the said Court,
 ‘ and be of like Force and Effect as if the Provisions contained
 ‘ therein had been expressly enacted by Parliament, unless the
 ‘ same should by Vote of either House of Parliament be objected
 ‘ to: And whereas no Rule, Order, or Regulation hath yet been
 ‘ made under the said recited Act: And whereas it is expedient
 ‘ to alter and amend the said recited Act in manner herein-after
 ‘ mentioned:’ Be it therefore enacted by the Queen’s most Excel-
 lent Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parliament
 assembled, and by the Authority of the same, That so much of the
 said recited Act as directs that no such Rule, Order, or Regulation
 as aforesaid shall have Effect until each House of Parliament
 shall have actually sat Thirty-six Days after the same shall have
 been laid before each House of Parliament as aforesaid, shall from
 and after the passing of this Act be and the same is hereby re-
 pealed; and that every such Rule, Order, or Regulation made in
 pursuance of the said recited Act shall, from and after the Time
 in that Behalf to be appointed by the Lord Chancellor, with such
 Advice and Consent as aforesaid, and if no Time shall be so ap-
 pointed then from and after the making thereof, be binding and
 obligatory on the said Court, and be of like Force and Effect as
 if the Provisions therein contained had been expressly enacted by
 Parliament: Provided always, that if either of the Houses of
 Parliament shall, by any Resolution passed at any Time before
 such House of Parliament shall have actually sat Thirty-six Days
 after such Rules, Orders, and Regulations shall have been laid
 before such House of Parliament, resolve that the Whole or any
 Part of such Rules, Orders, or Regulations ought not to continue
 in force, in such Case the Whole or such Part thereof as shall be
 so included in such Resolution shall from and after such Resolution
 cease to be binding and obligatory on the said Court: Provided
 also, that no such Rule, Order, or Regulation as aforesaid shall by
 virtue of the said Act be of the like Force and Effect as if the Pro-
 visions therein contained had been expressly enacted by Parlia-
 ment, unless the same shall be expressed to be made in pursuance
 of the said Act and of this Act; and that every such Rule, Order,
 or Regulation so expressed to be made in pursuance of the said
 Act and of this Act, which shall not be laid before both Houses
 of Parliament within the Time by the said recited Act limited for
 that Purpose, shall from and after the Expiration of such Time be
 absolutely void and of no Effect.

Repeal of
 3 & 4 Vict. c. 94.
 in part.

Rules, &c. to
 be binding from
 the making
 thereof unless
 objected to by
 the Vote of
 either House of
 Parliament, or
 are informal.

II. And be it enacted, That in the Construction of this Act the
 Expression “Lord Chancellor” shall mean also and include the
 Lord Chancellor, Lord Keeper, and Lords Commissioners for
 the Custody of the Great Seal of the United Kingdom for the
 Time being.

Interpretation
 Clause.

C A P. LIII.

An Act to apply certain Sums of Money to the Service of the Year One thousand eight hundred and forty-one, and to appropriate the Supplies granted in this Session of Parliament.

[22d June 1841.]

- § I. There shall be applied, for the Service of the Year 1841, £6,200,000 out of the Consolidated Fund.
- II. The Treasury may cause £6,200,000 of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.
- III. The Clauses, &c. in recited Act extended to this Act.
- IV. Exchequer Bills to bear Interest not exceeding $3\frac{1}{2}$ d. *per Cent. per Diem*.
- V. Bank may advance £6,200,000 on the Credit of this Act.
- VI. The Treasury may cause Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.
- VII. Monies raised by Exchequer Bills to be applied to Services voted by the Commons.
- VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.
- IX. The Treasury to issue £47,308 18s. the Surplus of Ways and Means, and £500,000 now in the Exchequer, to complete the Aids granted for 1840 and former Years.
- X. Monies coming into the Exchequer by cc. 4. and 29. *ante*,—£11,000,000 by Exchequer Bills under c. 19. *ante*,—and also the said £6,200,000, £47,308 18s., and £500,000 shall be applied as hereafter expressed.
- XI. There shall be issued and applied,
£ 29,694 11 2 For Excess of Naval Expenditure, beyond Grants made in 1839.
- XII. 161,500 0 0 For Ditto Ditto beyond Grants made last Year.
- XIII. There shall also be issued and applied,
6,805,351 11 2 For Naval Services, *viz*.
1,443,711 0 0 For Wages of 43,000 Seamen and Marines, and to the Ordinary and Yard Craft -
782,048 0 0 For their Victuals - -
121,844 0 0 For Salaries of Officers and contingent Expences of the Admiralty Office - -
2,980 0 0 For Salaries of Officers and contingent Expences of the Registry of Merchant Seamen -
31,982 0 0 For ditto of Scientific Departments of the Navy - -
124,529 0 0 For ditto of Naval Establishments at home - -
22,152 0 0 For ditto of Naval Establishments abroad - -
575,507 0 0 For Wages of Artificers, Labourers, and others in Naval Establishments at home -
34,500 0 0 For ditto in Naval Establishments abroad - -
1,282,536 0 0 For Naval Stores, &c. - -

To
31st March 1842.

£ 201,677	0	0	For new Works, Improvements, and Repairs in Yards - -	} To 31st March 1842.
24,651	0	0	For Medicines and Medical Stores - -	
283,788	0	0	For Naval Miscellaneous Services - -	
728,623	0	0	For Half Pay of Navy and Marines - -	
504,591	0	0	For Military Pensions and Allowances - -	
181,789	0	0	For Civil ditto - -	
190,987	0	0	For Freight of Transports and other Charges on account of the Army and Ordnance -	
76,262	0	0	For conveying Convicts to <i>New South Wales</i> , &c. - -	
§ XIV. 6,324,473	0	0	For Army Services after mentioned, viz.	
3,510,774	0	0	For Forces at home and abroad (except <i>India</i>) - -	
167,449	0	0	For General Staff and Officers of the Hospitals at home and abroad (except <i>India</i>), and for the Garrison of the <i>Tower</i> -	} From 1st April 1841 to 31st March 1842.
79,715	0	0	For Allowances to principal Officers of Military Departments in <i>Great Britain</i> , their Deputies, Clerks, and contingent Expenses - -	
15,148	0	0	For Military Asylum and of the <i>Hibernian</i> Military School -	
15,839	0	0	For Rewards for Military Services, and Allowances to Garrison Officers at home and abroad - -	
85,000	0	0	For Pay of General Officers not being Colonels of Regiments -	
67,500	0	0	For Full Pay of Reduced and Retired Officers - -	
497,000	0	0	For Half Pay and Allowances to Reduced and Retired Officers	
60,608	0	0	For Half Pay and Reduced Allowances to Officers of disbanded Foreign Corps, Pensions to wounded Foreign Officers, and Allowances to Widows and Children of deceased Foreign Officers -	
141,048	0	0	For Pensions to Widows of Officers - -	
124,000	0	0	For Compassionate List, Allowances as of Her Majesty's Bounty, and Pensions to wounded Officers - -	

	£ 1,268,906	0	0	For <i>Chelsea</i> and <i>Kilmainham</i>	} From 1st <i>April</i> 1841 to 31st <i>March</i> 1842.
				Hospitals, &c.	
	43,000	0	0	For Superannuations to Persons formerly belonging to public Military Departments	
	82,266	0	0	For Volunteer Corps	
	166,220	0	0	For disembodied Militia to 31st <i>March</i> 1842.	
§ XV.	2,075,803	0	0	For Ordnance Services for the Year 1841-42; viz.	
	119,631	0	0	For the Civil Establishments at the <i>Tower</i> , <i>Pall Mall</i> , <i>Woolwich</i> , and at Out-Stations at home and abroad.	
	109,618	0	0	For Engineers, Sappers, and Miners.	
	352,861	0	0	For the Artillery, the Horse Artillery, Master Gunners, Field Train, Medical Department, and Academical Establishment.	
	37,810	0	0	For Salaries to Barrack Masters at home and abroad.	
	525,521	0	0	For Ordnance Works and Repairs, Storekeepers Expenditure, building and Repair of Barracks, Barrack Masters Expenditure, Pay of Clerks of Works, &c.	
	186,259	0	0	For Military and Civil Contingencies, including Surveys of the United Kingdom, &c.	
	328,000	0	0	For Ordnance and Military Store Branch.	
	5,579	0	0	For Expences of Ordnance Services not provided for by Parliament in 1840-41.	
	161,529	0	0	For Ordnance Superannuations, Retired Allowances, Pensions, &c.	
	248,995	0	0	For Commissariat Supplies.	
XVI.	There shall also be issued and applied,				
	21,626,350	0	0	To pay off Exchequer Bills charged on the Aids of 1841.	
XVII.	400,000	0	0	For Expences of the Expedition to <i>China</i> .	
XVIII.	2,000,000	0	0	To discharge like Amount of Supplies granted for 1840 or any preceding Year.	
	31,786	0	0	For the <i>British Museum</i> .	
XIX.	1,634,791	0	0	For Commissariat Services in <i>Canada</i> , and Civil Contingencies, and Miscellaneous Services in the United Kingdom for Six Months of the Year 1841.	
XX.	The said Sum of				
	1,634,791	0	0	To be applied as after mentioned; viz.	
	106,678	0	0	For the Commissariat Department.	
	25,002	0	0	For Half Pay of Ditto.	
	54,000	0	0	For Services in <i>Canada</i> .	
	60,000	0	0	For Civil Contingencies.	
	51,654	10	0	For Works and Repairs of public Buildings.	
	5,000	0	0	For Works, &c. at <i>Kingstown</i> Harbour.	
	2,680	10	0	For <i>Holyhead</i> Roads and Harbour.	
	21,202	0	0	For Works at the <i>British Museum</i> .	
	4,184	10	0	For temporary Accommodation for the Houses of Parliament.	
	34,594	0	0	For new Houses of Parliament.	
	15,000	0	0	For the Model Prison.	

£ 2,500	0	0	For the General Prison at <i>Perth</i> .
844	10	0	For the Museum of Economic Geology.
2,500	0	0	For the Hall for the General Assembly of the Church at <i>Edinburgh</i> .
25,000	0	0	For the <i>Caledonian</i> Canal.
29,000	0	0	For Salaries, &c. of the Houses of Parliament.
26,300	0	0	For Ditto of the Treasury.
10,750	0	0	For Ditto of the Home Department.
44,000	0	0	For Ditto of the Foreign Ditto.
10,000	0	0	For Ditto of the Colonial Ditto.
15,750	0	0	For Ditto of the Privy Council Office, &c.
1,000	0	0	For the Lord Privy Seal.
17,473	10	0	For the Office of the Paymaster General.
8,785	0	0	For Salaries, &c. in the Exchequer, &c.
1,003	0	0	For Professors at <i>Oxford</i> and <i>Cambridge</i> .
6,679	0	0	For Salaries and Expences of the Insolvent Debtors Court.
9,722	0	0	For the Penitentiary at <i>Millbank</i> .
3,092	10	0	For the Prison of juvenile Offenders in the <i>Isle of Wight</i> .
1,141	0	0	For Expences of the State Paper Office.
1,500	0	0	For Ecclesiastical Commissioners.
29,077	10	0	For Poor Law Commissioners.
8,250	0	0	For Commissioners for preventing Traffic in Slaves.
56,796	0	0	For Salaries to Consuls.
4,500	0	0	For Ditto of Factory Inspectors.
3,100	0	0	For Ditto of Inspectors of Prisons.
15,700	0	0	For Expences of the Mint.
2,500	0	0	For Commission on Employment of Children in Mines and Collieries..
41,000	0	0	For Superannuation and Retired Allowances.
3,250	0	0	For <i>Toulonese</i> and <i>Corsican</i> Emigrants, <i>Dutch</i> Naval Officers, <i>St. Domingo</i> Sufferers, <i>American</i> Loyalists, &c.
925	0	0	For the Vaccine Establishment.
1,500	0	0	For the Refuge for the Destitute.
1,695	0	0	For confining and maintaining Criminal Lunatics.
1,950	0	0	For Protestant Dissenting Ministers, poor <i>French</i> Refugee Clergy, Laity, &c.
19,600	0	0	For Foreign and other secret Services.
103,747	0	0	For Stationery, Printing, &c. for public Departments and Parliament.
14,000	0	0	For Law Charges.
39,440	0	0	For the Convict Hulk Establishment.
132,500	0	0	For Convicts abroad.
12,500	0	0	For Support of captured Negroes.
5,169	0	0	For the Public Record Office.
15,000	0	0	For public Education.
2,660	0	0	For the <i>London</i> University.
795	0	0	For the School of Design.
14,500	0	0	For Revising Barristers.
6,150	0	0	For Expences of Sheriffs and Officers of the Court of Exchequer.
73,500	0	0	For Charges hitherto paid out of the County Rates.

£6,000	0	0	For <i>Polish Refugees.</i>
3,540	0	0	For Purchase of Manuscripts and Coins for the <i>British Museum.</i>
37,667	0	0	For Debt to the <i>Conde de Povoa.</i>
25,000	0	0	For Steam Communication to <i>India.</i>
2,930	0	0	For the Civil Establishment of the <i>Bahama Islands.</i>
2,024	10	0	For ditto of the <i>Bermudas.</i>
1,535	0	0	For ditto of <i>Prince Edward's Island.</i>
5,440	0	0	For ditto of <i>Western Africa.</i>
3,549	10	0	For ditto of <i>Western Australia.</i>
5,795	0	0	For Ecclesiastical Establishment in <i>North America.</i>
9,447	10	0	For the <i>Indian</i> Department in <i>Canada.</i>
9,333	10	0	For Salaries of the Governors, &c. in the <i>West Indies.</i>
511	10	0	For the Civil Establishment of <i>Heligoland.</i>
29,350	0	0	For Salaries, &c. to Stipendiary Justices in the Colonies.
15,000	0	0	For educating emancipated Negroes.
3,326	0	0	For Colonial Land and Emigration Board.
5,750	0	0	For Civil Establishment of <i>Saint Helena.</i>
200	0	0	For Establishment at <i>Sable Island, Nova Scotia.</i>
19,987	0	0	For Expedition to the River <i>Niger.</i>
3,000	0	0	For Settlements in <i>New Zealand.</i>
2,211	10	0	For ditto at <i>Port Essington.</i>
1,000	0	0	For Civil Establishment at the <i>Falkland Islands.</i>
5,000	0	0	For public Walks.
5,000	0	0	For Schools of Design in provincial Towns.
1,750	0	0	For Pictures for the National Gallery.
2,250	0	0	For Lighthouses in <i>Jamaica</i> and <i>Bermuda.</i>
10,000	0	0	For taking the Census of the Population in <i>Ireland.</i>
37,150	0	0	For Miscellaneous Services in <i>Scotland.</i>
25,000	0	0	For Education in <i>Ireland.</i>
4,793	0	0	For the Foundling Hospital.
7,846	10	0	For the House of Industry.
500	0	0	For the Female Orphan House.
1,250	0	0	For the <i>Westmorland</i> Lock Hospital.
500	0	0	For the Lying-in Hospital.
750	0	0	For Dr. <i>Stevens's</i> Hospital.
1,900	0	0	For the Fever Hospital.
250	0	0	For the Hospital for Incurables.
4,464	0	0	For the Roman Catholic College.
150	0	0	For the Royal <i>Irish</i> Academy.
150	0	0	For the Royal <i>Hibernian</i> Academy.
350	0	0	For the Charity Commissioners in <i>Ireland.</i>
975	0	0	For the <i>Belfast</i> Academical Institution.
8,250	0	0	For Public Works.
12,542	10	0	For the Department of the Chief Secretary to the Lord Lieutenant.
6,232	0	0	For the Household of the Lord Lieutenant.
2,369	10	0	For Paymaster of Civil Services in <i>Ireland.</i>
2,075	0	0	For publishing and printing Proclamations and Statutes.
17,453	10	0	For Dissenting Ministers.
51,000	0	0	For Law Charges.

£ 19,050	0	0	For the <i>Dublin</i> Police.
1,392	0	0	For the Board of Public Works.
3,500	0	0	For Townland Survey of <i>Ireland</i> .
1,459	10	0	For the Commissioners of the River <i>Shannon</i> .

- § XXI. Supplies to be applied only for the Purposes aforesaid.
- XXII. Rules to be observed in the Application of the Sum appropriated to Half Pay. This Act not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia; Yeomanry, or Volunteers. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.
- XXIII. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.
- XXIV. Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required by 2 & 3 *Vict. c. 89*. indemnified.
- XXV. Half Pay allowed to the Officers of the *Manx* Fencibles.
- XXVI. Half Pay Allowances to Chaplains of Regiments not being in possession of Ecclesiastical Benefices derived from the Crown.
- XXVII. The Surplus of the Sum appropriated to Half Pay by 3 & 4 *Vict. c. 112*. authorized to be disposed of to maimed or meritorious Officers, or their Widows or Children, as Her Majesty shall direct.
- XXVIII. Widows and Persons claiming Pensions shall make the required Declaration.
- XXIX. Declarations to be made as specified in 5 & 6 *W. 4. c. 62*.

C A P. LIV.

An Act to continue until the First Day of *January* One thousand eight hundred and forty-four an Act of the last Session of Parliament, for continuing an Act for amending and extending the Provisions of an Act of the First Year of Her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury. 3 & 4 *Vict. c. 83*.
[22d *June* 1841.]

C A P. LV.

An Act further to continue, until the First Day of *April* One thousand eight hundred and forty-two, an Act of the Third and Fourth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Loan Societies*. 3 & 4 *Vict. c. 110*.
[22d *June* 1841.]

C A P. LVI.

An Act for taking away the Punishment of Death in certain Cases, and substituting other Punishments in lieu thereof.
[22d *June* 1841.]

‘ **W**HEREAS it is expedient to alter and amend various Statutes now in force in that Part of the United Kingdom called *England* relative to certain Offences by the said Statutes now punishable with Death: And whereas by an Act passed in the
‘ Fifteenth

15 G. 2. c. 13.
s. 12.

Embezzlement
by Servant of
the Bank of
England of any
Note, Bill,
Dividend War-
rant, Bond,
Deed, &c. of
the Company.

' Fifteenth Year of the Reign of His late Majesty King George the
' Second, intituled *An Act for establishing an Agreement with the*
' *Governor and Company of the Bank of England for advancing*
' *the Sum of One million six hundred thousand Pounds towards the*
' *Supply for the Service of the Year One thousand seven hundred*
' *and forty-two*, it was among other things enacted, that if any
' Officer or Servant of the said Company, being entrusted with any
' Note, Bill, Dividend Warrant, Bond, Deed, or any Security,
' Money, or other Effects belonging to the said Company, or having
' any Bill, Dividend Warrant, Bond, Deed, or any Security or
' Effects of any other Person or Persons lodged or deposited with
' the said Company, or with him as an Officer or Servant of the
' said Company, should secrete, "embezzil," or run away with any
' such Note, Bill, Dividend Warrant, Bond, Deed, Security, Money,
' or Effects, or any of them, every Officer or Servant so offending,
' and being thereof convicted in due Form of Law, should be
' deemed guilty of Felony, and should suffer Death as a Felon,
' without Benefit of Clergy: And whereas also by an Act passed
' in the Thirty-fifth Year of the Reign of His late Majesty King

35 G. 3. c. 66.
s. 6.

Embezzlement
by Servant of
Bank of Eng-
land of any
Note, Bill,
Dividend War-
rant, &c. relat-
ing to Irish
Annuities trans-
ferred to Bank
of England.

' George the Third, intituled *An Act for making Part of certain*
' *Principal Sums or Stock and Annuities raised or created or to be*
' *raised or created by the Parliament of the Kingdom of Ireland on*
' *Loans for the Use of the Government of that Kingdom trans-*
' *ferrable, and the Dividends on such Stock and Annuities payable*
' *at the Bank of England, and for the better Security of the Pro-*
' *prietors of such Stock and Annuities, and of the Governor and*
' *Company of the Bank of England*, it was among other things
' enacted, that if any Officer or Servant of the said Governor and
' Company of the Bank of England, being entrusted with any
' Note, Bill, Dividend Warrant, or Warrant for Payment of any
' Annuity or Interest or Money, or any Security, Money, or other
' Effects, of or belonging to the said Governor and Company, or
' having any Note, Bill, Dividend Warrant, or Warrant for Pay-
' ment of any Annuity or Interest or Money, or any Security,
' Money, or other Effects, of any other Person or Persons, Body
' Politic or Corporate, lodged or deposited with the said Governor
' and Company, or with him as an Officer or Servant of the said
' Governor and Company, in pursuance of this Act, or of the due
' Execution thereof, should secrete, embezzle, or run away with
' any such Note, Bill, Dividend or other Warrant, Security, Money,
' or other Effects as aforesaid, or any Part thereof, every such
' Officer or Servant so offending should be deemed guilty of Felony,
' and should suffer Death as a Felon, without Benefit of Clergy:

37 G. 3. c. 46.
s. 6.

Embezzlement
by any Servant
of Bank of
England of any
Note, Bill, &c.
relating to cer-
tain other An-
nuities trans-
ferred to Bank
of England.

' And whereas also by an Act passed in the Thirty-seventh Year
' of the Reign of His late Majesty King George the Third, inti-
' tuled *An Act for making certain Annuities created by the Parlia-*
' *ment of the Kingdom of Ireland transferrable, and the Dividends*
' *then payable at the Bank of England, and for the better Security*
' *of the Proprietors of such Annuities and of the Governor and*
' *Company of the Bank of England*, it was among other things
' enacted, that if any Officer or Servant of the said Governor and
' Company of the Bank of England, being entrusted with any
' Note, Bill, Dividend Warrant, or Warrant for Payment of any
' Annuity or Interest or Money, or any Security, Money, or other
' Effects,

‘ Effects, of or belonging to the said Governor and Company, or
‘ having any Note, Bill, Dividend Warrant, or Warrant for Payment
‘ of any Annuity or Interest or Money, or any Security, Money,
‘ or other Effects, of any other Person or Persons, Body Politic or
‘ Corporate, lodged or deposited with the said Governor and
‘ Company, or with him as an Officer or Servant of the said
‘ Governor and Company, in pursuance of this Act, or of the due
‘ Execution thereof, should secrete, embezzle, or run away with
‘ any such Note, Bill, Dividend or other Warrant, Security, Money,
‘ or other Effects, as aforesaid, or any Part thereof, every such
‘ Officer or Servant so offending should be deemed guilty of
‘ Felony, and should suffer Death as a Felon, without Benefit
‘ of Clergy : And whereas also by an Act passed in the Twenty-
‘ fourth Year of His late Majesty King *George the Second*,
‘ intituled *An Act for reducing the Interest upon the Capital Stock*
‘ *of the South Sea Company from the Time and upon the Terms*
‘ *therein mentioned, and for preventing of Frauds committed by the*
‘ *Officers and Servants of the said Company*, it was among other
‘ things enacted, that if any Officer or Servant of the said Com-
‘ pany being entrusted with any Note, Bill, Dividend Warrant,
‘ Bond, Deed, or any Security, Money, or other Effects belonging
‘ to the said Company, or having any Bill, Dividend Warrant,
‘ Bond, Deed, or any Security, Money, or Effects of any other
‘ Person or Persons lodged or deposited with the said Company,
‘ or with him as an Officer or Servant of the said Company, should
‘ secrete, “embezil,” or run away with any such Note, Bill, Divi-
‘ dend Warrant, Bond, Deed, Security, Money, or Effects, or any
‘ Part of them, every Officer or Servant so offending, and being
‘ thereof convicted in due Form of Law, should be deemed guilty
‘ of Felony, and should suffer Death as a Felon, without Benefit of
‘ Clergy : And whereas also by an Act passed in the Fifty-fifth
‘ Year of His late Majesty King *George the Third*, intituled *An*
‘ *Act for repealing the Stamp Duties on Deeds, Law Proceedings,*
‘ *and other written or printed Instruments, and the Duties on Fire*
‘ *Insurances, and on Legacies, and Successions and Personal*
‘ *Estates upon Intestacies, now payable in Great Britain, and for*
‘ *granting other Duties in lieu thereof*, it was among other things
‘ enacted, that if any Person should privately and secretly use
‘ any Stamp or Die which should have been provided, made, or
‘ used in pursuance of that Act, or of any former Act or Acts
‘ relating to any Stamp Duty or Duties, with Intent to defraud
‘ His Majesty, His Heirs or Successors, of any of the said Duties,
‘ or any Part thereof, or if any Person should fraudulently cut,
‘ tear, or get off, or cause or procure to be cut, torn, or got off,
‘ the Impression of any Stamp or Die which should have been
‘ provided, made, or used, in pursuance of that or any former Act
‘ for expressing or denoting any Duty or Duties under the Care
‘ and Management of the Commissioners of Stamps, or any Part
‘ of such Duty or Duties, from any Vellum, Parchment, or Paper
‘ whatsoever, with Intent to use the same, for or upon any other
‘ Vellum, Parchment, or Paper, or any Instrument or Writing,
‘ charged or chargeable with any of the Duties thereby granted,
‘ then and in every such Case every Person so offending, and
‘ every Person knowingly and wilfully aiding, abetting, or assist-
‘ ing

24 G. 2. c. 11.

s. 3.

Embezzlement
 by Servant of
 South Sea
 Company of
 Notes, Bills, &c.
 of Company.

55 G. 3. c. 184.

s. 7.

Stamp Duties
 on Deeds.

55 G. 3. c. 185.
s. 7.

Stamp Duties
on Gold and
Silver Plate.

‘ing any Person or Persons in committing any such Offence as
‘aforesaid, and being thereof lawfully convicted, should be ad-
‘judged guilty of Felony, and should suffer Death as a Felon,
‘without the Benefit of Clergy: And whereas also by an Act
‘passed in the Fifty-fifth Year of the Reign of His said late
‘Majesty King George the Third, intituled *‘An Act for repealing
‘the Stamp Office Duties on Advertisements, Newspapers, Gold
‘and Silver Plate, Stage Coaches, and Licences for keeping Stage
‘Coaches, now payable in Great Britain, and for granting new
‘Duties in lieu thereof*, it was among other things enacted, that if
‘any Person should transpose or remove, or cause to be trans-
‘posed or removed, from one Piece of Gold or Silver Plate to
‘another, or to any Vessel or Ware of base Metal, any Impres-
‘sion made with any Mark, Stamp, or Die, which should have
‘been proved, made, or used, in pursuance of that or any former
‘Act, for the Purpose of marking or stamping of any such Gold
‘or Silver Plate as aforesaid, or if any Person should sell, ex-
‘change, or expose to Sale or export out of *Great Britain*, any
‘such Gold or Silver Plate, or any Vessel or Ware of base Metal,
‘having thereupon any Impression of any Mark, Stamp, or Die
‘which should have been transposed or removed from any other
‘Piece of Plate as aforesaid, knowing the same respectively to be
‘transposed or removed as aforesaid, or if any Person should pri-
‘vately and secretly use any Mark, Stamp, or Die so provided,
‘made, or used as aforesaid, with Intent to defraud His Majesty,
‘His Heirs or Successors, then every Person so offending, and
‘every Person knowingly and wilfully aiding, abetting, and assist-
‘ing any Person or Persons in committing any such Offence as
‘aforesaid, and being thereof lawfully convicted, should be ad-
‘judged guilty of Felony, and should suffer Death as a Felon,
‘without Benefit of Clergy: And whereas by an Act passed in
‘the Sixth Year of the Reign of King George the Fourth, inti-
‘tuled *‘An Act for further regulating the Payment of the Salaries
‘and Pensions to the Judges of His Majesty’s Courts in India,
‘and the Bishop of Calcutta; for authorizing the Transportation
‘of Offenders from the Island of Saint Helena; and for more
‘effectually providing for the Administration of Justice in Singa-
‘pore and Malacca, and certain Colonies on the Coast of Cor-
‘mandel*, it is among other things enacted, that if any Offender
‘sentenced or ordered by the Governor and Council of the Island
‘of *Saint Helena* to be transported from the said Island to any
‘such Place as is therein mentioned or referred to should return
‘to the said Island of *Saint Helena*, or come into any of the
‘Territories or Acquisitions of His Majesty, or of the United
‘Company of Merchants of *England* trading to the *East Indies*
‘in the *East Indies*, or shall come into any Part of *Great Britain*
‘or *Ireland*, before the End of the Term for which he or she
‘should be so sentenced or ordered to be transported as aforesaid,
‘he or she so returning or coming as aforesaid should be liable
‘to be punished as a Person attainted of Felony without Benefit
‘of Clergy, and that Execution should and might be awarded
‘against such Offender accordingly: And whereas it is expedient
‘that the said several Offences should no longer be punishable
‘with Death:’ Be it therefore enacted by the Queen’s most Ex-

6 G. 4. c. 85.
s. 18.

Returning from
Transportation.

cellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act, if any Person shall be convicted of any of the Offences herein-before specified, such Person shall not be subject to any Sentence, Judgment, or Punishment of Death, but shall, instead of the Sentence or Judgment in and by the said several Acts herein-before recited ordered to be given or awarded against Persons convicted of the said Offences, or any of them respectively, be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Person, or for any Term not less than Seven Years, or to be imprisoned for any Time not exceeding Three Years.

II. ' And whereas by an Act passed in the Eighth Year of the ' Reign of His late Majesty King *George* the Fourth, intituled ' *An Act for consolidating and amending the Laws in England ' relative to malicious Injuries to Property*, it was amongst other ' things enacted, that if any Persons riotously and tumultuously ' assembled together to the Disturbance of the public Peace ' should unlawfully and with Force demolish, pull down, or de- ' stroy, or begin to demolish, pull down, or destroy, any Church ' or Chapel, or any Chapel for the Religious Worship of Persons ' dissenting from the United Church of *England and Ireland*, duly ' registered or recorded, or any House, Stable, Coach-house, Out- ' house, Warehouse, Office, Shop, Mill, Malthouse, Hop-oast, ' Barn, or Granary, or any Building or Erection used in carrying ' on any Trade or Manufacture, or any Branch thereof, or any ' Machinery, where fixed or moveable, prepared for or employed ' in any Manufacture or in any Branch thereof, or any Steam ' Engine or other Engine for sinking, draining, or working any ' Mine, or any Staith, Building, or Erection used in conducting ' the Business of any Mine, or any Bridge, Waggon-way, or Trunk ' for conveying Minerals from any Mine, every such Offender ' should be deemed guilty of Felony, and being convicted thereof ' should suffer Death as a Felon; and that in case of every Felony ' punishable under that Act every Principal in the Second Degree, ' and every Accessory before the Fact, should be punishable with ' Death or otherwise, in the same Manner as the Principal in the ' First Degree was by that Act punishable: And whereas it is ex- ' pedient that the said last-mentioned Offences should be no longer ' punishable with Death; be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be con- ' victed of any of the said Offences herein-before last specified, whether as Principal, or as Principal in the Second Degree, or as Accessory before the Fact, such Person shall not be subject to any Sentence, Judgment, or Punishment of Death, but shall, instead of the Sentence or Judgment in and by the said Act herein-before last-recited ordered to be given or awarded against Persons convicted of the said last-mentioned Offences, or any of them respectively, be liable, at the Discretion of the Court, to be transported beyond the Seas for any Term not less than Seven Years, or to be imprisoned for any Time not exceeding Three Years.

Certain Offences of Forgery and Embezzlement punishable by Transportation or Imprisonment, and not by Death.

7 & 8 G. 4. c. 30. s. 8.

Riotous De- molition of Churches, Houses, &c. not to be punishable with Death.

Punishment.

III. ' And

9 G. 4. c. 31.
ss. 16. and 17.
Rape, &c. not
to be punishable
with Death.

III. ' And whereas also by an Act passed in the Ninth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Statutes in England relative to Offences against the Person*, it was amongst other things enacted, that every Person convicted of the Crime of Rape should suffer Death as a Felon, and that if any Person should unlawfully and carnally know and abuse any Girl under the Age of Ten Years, every such Offender should be guilty of Felony, and being convicted thereof should suffer Death as a Felon: And whereas it is expedient that the said several Offences herein-before last specified should no longer be punishable with Death; be it therefore enacted, That from and after the Commencement of this Act, if any Person shall be convicted of any of the said Offences herein-before last specified, such Person shall not be subject to any Sentence, Judgment, or Punishment of Death, but shall, instead of the Sentence or Judgment in and by the said Act herein-before last-recited ordered to be given or awarded against Persons convicted of the said last-mentioned Offences, or any of them respectively, be liable to be transported beyond the Seas for the Term of his natural Life.

Punishment.

Imprisonment
may be with or
without hard
Labour.

IV. And be it enacted, That in awarding the Punishment of Imprisonment for any Offence punishable under this Act, it shall be lawful for the Court to direct such Punishment to be with or without hard Labour in the Common Gaol or House of Correction, and also to direct that the Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, whether the same be with or without hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year, as to the Court in its Discretion shall seem meet.

Act not to alter
5 & 6 W. 4. c. 38.
or 4 G. 4. c. 64.

V. And be it enacted, That nothing in that Act contained shall be construed to extend to the Alteration or Repeal of any of the Powers, Provisions, or Regulations contained in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons of England and Wales, and for appointing Inspectors of Prisons in Great Britain*, or in an Act passed in the Fourth Year of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales*.

Trial of
Offences.

VI. And be it enacted, That none of the Offences herein-before specified shall be tried or triable before any Justices of the Peace at any General or Quarter Sessions of the Peace.

Commencement
of Act.

VII. And be it enacted, That this Act shall commence and take effect on the First Day of *October* One thousand eight hundred and forty-one.

C A P. LVII.

An Act for the Prevention of Bribery at Elections.

[22d June 1841.]

‘ WHEREAS the Laws in being are not sufficient to hinder corrupt and illegal Practices in the Election of Members to serve in Parliament; be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever any Charge of Bribery shall be brought before any Select Committee of the House of Commons appointed to try and determine the Merits of any Return or Election of a Member or Members to serve in Parliament, the Committee shall receive Evidence upon the whole Matter whereon it is alleged that Bribery has been committed; neither shall it be necessary to prove Agency, in the first instance, before giving Evidence of those Facts whereby the Charge of Bribery is to be sustained; and the Committee in their Report to the House of Commons shall separately and distinctly report upon the Fact or Facts of Bribery which shall have been proved before them, and also whether or not it shall have been proved that such Bribery was committed with the Knowledge and Consent of any sitting Member or Candidate at the Election.

Evidence of Bribery to be given on the whole Matter without first proving Agency.

C A P. LVIII.

An Act to amend the Law for the Trial of controverted Elections.

[22d June 1841.]

‘ WHEREAS an Act was passed in the Session holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to amend the Jurisdiction for the Trial of Election Petitions*: And whereas the Provisions of the said Act have been found in some respects defective, and it is expedient therefore to repeal the said Act, and to enact as follows: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed, except as to Things done or Proceedings commenced under the same before the passing of this Act, and which may be dealt with or proceeded in, and shall have the same Effect, as if the said Act had not been repealed.

2 & 3 Vict. c. 38.

Recited Act repealed.

II. And be it enacted, That an Act passed in the Ninth Year of the Reign of King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament*, and also so much of an Act passed in the Forty-second Year of the Reign of King George the Third, intituled *An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for Ireland*, and also so much of an Act passed in the Forty-seventh Year of the Reign of King George the Third, intituled *An Act to amend several Acts for regulating the Trial of controverted Elections or Returns of Members to serve in Parliament*, so far as the same relate to Ireland, as

Suspension of 9 G. 4. c. 22. and Part of 42 G. 3. c. 106. and 47 G. 3. c. 14.

requires

requires the Parties appearing before any Select Committee to interchange before the said Committee Lists of the Votes and Names of Voters to which either of the Parties purposes and intends to object, and Statements in Writing respecting the Matters which either of the said Parties mean to insist upon, contend for, or to object to, or as provides that no Witness shall be called or examined to any thing not specified in such Lists or Statements, shall be suspended, and be of no force and effect until the End of the Second Session of the First Parliament which may be called after the Dissolution of this present Parliament, except as to any thing done under either of the said Acts; but this Enactment shall not revive any Act, or Part of any Act, repealed by the secondly-recited Act.

What shall be deemed Election Petitions.

III. And be it enacted, That every Petition which shall be presented to the House of Commons within such Time as shall be from Time to Time limited by the House, complaining of an undue Election or Return of a Member or Members to serve in Parliament, or complaining that no Return has been made to any Writ issued for the Election of any Member or Members to serve in Parliament on or before the Day on which such Writ is made returnable, or, if such Writ be issued during any Session or Prorogation of Parliament, that no Return has been made to the same within Fifty-two Days after the Day on which such Writ bears Date, or that any Return is not according to the Requisition of the Writ, or complaining of 'the special Matters contained in any such Return, shall be deemed an Election Petition; but no Election Petition shall be received by the House unless at the Time it is presented it shall be subscribed by some Person claiming therein to have had a Right to vote at the Election to which the same shall relate, or to have had a Right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election.

Recognizances to be entered into by Petitioners.

IV. And be it enacted, That before any Election Petition shall be presented to the House, the Person or Persons subscribing the same, or some One or more of them, shall personally enter into a Recognizance to our Sovereign Lady the Queen, according to the Form given in the Schedule (A.) to this Act annexed, for the Sum of One thousand Pounds, with One, Two, Three, or Four sufficient Sureties, either in the same Recognizance or in separate Recognizances, for the additional Sum of One thousand Pounds, in a Sum or Sums of not less than Two hundred and fifty Pounds each, for the Payment of all Costs and Expences which any Committee of the House selected to try such Petition in the Manner herein-after provided shall adjudge to be payable by the Person or Persons subscribing the said Petition, and also for the Payment of all Costs and Expences which shall become due from the Person or Persons subscribing such Petition to any Witness summoned in his or their Behalf, or to any Party who shall appear in opposition to such Petition, in case such Petition shall be withdrawn as herein-after allowed.

Sureties to make Affidavits of Sufficiency and to be described.

V. And be it enacted, That every Person who shall enter into any such Recognizance as Surety for any other Person shall testify upon Oath in Writing, to be sworn at the Time of entering into the said Recognizance, and before the same Person by whom his
 Recog-

Recognizance shall be taken, that he is seised or possessed of Real or Personal Estate, or both, above what will satisfy his Debts, of the clear Value of the Sum for which he shall be bound by his said Recognizance, and every such Affidavit shall be annexed to the Recognizance; and that in every such Recognizance shall be mentioned the Name and usual Place of Residence of the Persons proposed to become Sureties as aforesaid, with such other Description of the proposed Sureties as may be sufficient to identify them easily.

VI. And be it enacted, That the Speaker of the House of Commons shall appoint a fit Person to be Examiner of Recognizances; and every Person so appointed shall hold his Office during the Pleasure of the Speaker, and shall execute the Duties of his Office conformably to such Directions as he may from Time to Time receive from the Speaker.

Examiner of Recognizances to be appointed.

VII. And be it enacted, That in case of the Illness, temporary Disability, or unavoidable Absence of the Examiner of Recognizances, the Speaker may appoint a fit Person to perform the Duties of Examiner of Recognizances during such Illness, Disability, or Absence; and the Person so appointed shall, while performing such Duties, have all the Powers and be subject to all the Provisions herein contained concerning the Examiner of Recognizances.

Provision for temporary Disability of Examiner.

VIII. And be it enacted, That every Recognizance herein-before required shall be entered into, and every Affidavit herein-before required shall be sworn before the Examiner of Recognizances, or One of Her Majesty's Justices of the Peace; and the said Examiner, and also every Justice of the Peace, is hereby empowered to take the same; and every such Recognizance and Affidavit which shall be taken before a Justice, being duly certified under the Hand of the Justice before whom they shall have been taken, shall be delivered to the Examiner of Recognizances.

How Recognizances are to be entered into.

IX. Provided always, and be it enacted, That it shall be lawful for any Person by whom the said Petition shall be signed, instead of entering into a Recognizance for the full Amount of the Sums herein-before required, to pay into the Bank of *England*, on the Account of the Examiner of Recognizances as Trustee, for the like Purposes for which the Recognizance is herein-before required, any Amount of Money which he shall think fit, in a Sum or Sums not less than Two hundred and fifty Pounds each; and in such Case the Person by whom the Petition shall be signed shall still be required to enter into his personal Recognizance for the Sum of One thousand Pounds, but shall be required to find a Surety or Sureties as aforesaid for so much only of the additional Sum of One thousand Pounds as the Sum paid into the Bank shall fall short of the Sum of One thousand Pounds; and no Money shall be deemed, for the Purposes of this Act, to be paid into the Bank of *England* until a Bank Receipt for the same shall be procured and delivered to the Examiner of Recognizances.

Option of paying Money into the Bank instead of finding Security.

X. And be it enacted, That in every Case in which Payment of any Money as aforesaid shall have been made into the Bank of *England*, the Examiner of Recognizances shall be bound, in the first place, and in such Order of Payment as he in his Discretion shall think fit, to satisfy out of the said Money all the Costs and

Declaration of Trust.

Expences

Expences for securing Payment of which such Investment was made, or so much thereof as can be thereby satisfied, and thereafter to transfer the Residue (if any), wholly discharged of the said Trust, to the Account of the Party by whom the same shall have been paid in.

Petition to be endorsed by Examiner of Recognizances.

XI. And be it enacted, That no Election Petition shall be received unless, at the Time it is presented to the House, it shall be endorsed by a Certificate, under the Hand of the Examiner of Recognizances, that the Recognizance herein-before required has been entered into and received by him, with the Affidavits thereunto annexed; and, if the Recognizance shall not have been taken for the whole Amount, that the necessary Amount of Money has been paid into the Bank of *England* as herein-before required.

Names of Sureties to be kept in the Office of the Examiner of Recognizances.

XII. And be it enacted, That on or before the Day when any such Petition shall be presented to the House the Names and usual Places of Residence of the Sureties, when there are Sureties, shall be entered in a Book to be kept by the Examiner of Recognizances in his Office; and the said Book, and also the Recognizance and Affidavits, and Bank Receipt for any Money paid into the Bank of *England*, if any, shall be open to the Inspection of all Parties concerned.

Sureties may be objected to.

XIII. And be it enacted, That it shall be lawful for any sitting Member petitioned against, or for any Electors petitioning and admitted Parties to defend the Election or Return, to object to the Sureties, or any of them, who shall have entered into such Recognizance, on the Ground of Insufficiency, or that a Surety is dead, or that he cannot be found or ascertained from the Want of a sufficient Description in the Recognizance, or that a Person named in the Recognizance has not acknowledged the same; provided that the Ground of Objection shall be stated in Writing under the Hand of the objecting Party, or his or their Agent, and shall be delivered to the Examiner of Recognizances within Ten Days after the Presentation of the Petition if the Surety objected to reside in *England*, or within Fourteen Days after the Presentation of the Petition if the Surety objected to reside in *Scotland* or *Ireland*.

Notice of Objection to be published in Examiner's Office, and Copies may be taken.

XIV. And be it enacted, That as soon as any such Statement of Objection shall be received by the Examiner of Recognizances, he shall put up an Acknowledgment thereof in some conspicuous Part of his Office, and shall appoint a Day for hearing such Objections, not less than Three and not more than Five Days from the Day on which he shall have received such Statement; and the Petitioner or Petitioners, and his or their Agent, shall be allowed to examine and take Copies of every such Objection.

Examiner of Recognizances to decide on the Objections.

XV. And be it enacted, That at the Time appointed the Examiner of Recognizances shall inquire into the alleged Insufficiency of the Surety or Sureties objected to, on the Grounds stated in the Notice of Objection, but not on any other Ground; and for the Purpose of such Inquiry the Examiner of Recognizances is hereby authorized to examine upon Oath any Persons who may be tendered by either Party for Examination by him, and also to receive in Evidence any Affidavit relating to the Matter in dispute before him which shall be sworn before him, or before any Master of the High Court of Chancery or Justice of the Peace, each of

whom is hereby authorized to take and certify such Affidavit; and the Examiner of Recognizances shall have Power, if he shall think fit, to adjourn the said Inquiry from Day to Day until he shall decide on the Validity of such Objection, and, if he shall think fit, to award Costs to be paid by either Party to the other, which Costs shall be taxed and recovered as herein-after provided for the Costs and Expences of prosecuting or opposing Election Petitions; and the Decision of the Examiner of Recognizances shall be final and conclusive against all Parties.

XVI. And be it enacted, That if any Surety shall die, and his Death shall be stated as a Ground of Objection before the End of the Time allowed for objecting to the Sureties, it shall be lawful for the Petitioner to pay into the Bank of *England*, on the Account of the Examiner of Recognizances, the Sum for which the deceased Surety was bound; and upon the Delivery of a Bank Receipt for such Sum to the Examiner of Recognizances within Three Days after the Statement of such Objection, the Sureties shall be deemed unobjectionable, if no Ground of Objection shall be stated to any other of the Sureties within the Time before mentioned for stating Objections to Sureties.

In case of Death of a Surety, the Money may be paid into the Bank.

XVII. And be it enacted, That in case the Examiner of Recognizances shall have received any Statement of Objection to the Sureties, or any of them, to any such Election Petition, and shall have decided that such Sureties, or any of them, are objectionable, he shall forthwith report to the Speaker that such Sureties are objectionable; but if he shall have decided that such Sureties are unobjectionable, or in case he shall not have received any such Statement of Objection, then as soon as the Time herein-before allowed for stating any such Objection shall have elapsed after the Presentation of the Petition (or as soon thereafter as he shall have decided upon the Statement of Objection), the Examiner of Recognizances shall report to the Speaker that the Sureties to such Petition are unobjectionable; and he shall make out a List of all Election Petitions on which he shall have reported to the Speaker that the Sureties are unobjectionable, in which List the Petitions shall be arranged in the Order in which they shall be so reported upon; and a Copy of such List shall be kept in the Office of the Examiner of Recognizances, and shall be open to the Inspection of all Parties concerned.

Examiner of Recognizances to report whether or not Sureties are objectionable.

XVIII. And be it enacted, That it shall be competent to the Petitioner or Petitioners, at any Time after the Presentation of the Petition, to withdraw the same, upon giving Notice in Writing under his Hand or their Hands, or under the Hand of his or their Agent, to the Speaker, and also to the sitting Member or his Agent, that it is not intended to proceed with the Petition; and in such Case the Petitioner or Petitioners shall be liable to the Payment of such Costs and Expences as may have been incurred by the sitting Member, to be taxed as herein-after provided.

How Petitions may be withdrawn.

XIX. And be it enacted, That if at any Time before the Appointment of a Select Committee to try any such Petition as herein-after provided, the Speaker of the House of Commons shall be informed, by a Certificate in Writing, subscribed by Two of the Members of the said House, of the Death of any sitting Member whose Election or Return is complained of in such Petition,

Proceedings when the Seat becomes vacant, or the sitting Member declines to defend his Return.

or of the Death of any Member returned upon a double Return, whose Election or Return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of *Great Britain* to summon any such Member to Parliament as a Peer of *Great Britain*, or if the House of Commons shall have resolved that the Seat of any such Member is by Law become vacant, or if the House of Commons shall be informed, by a Declaration in Writing, subscribed by any such Member, and delivered to the Speaker within Fourteen Days after the Day on which any such Petition shall have been presented, that it is not the Intention of such Member to defend his Election or Return, in every such Case Notice thereof shall immediately be sent by the Speaker to the Sheriff or other Returning Officer for the County, City, Borough, District of Burghs, Port, or Place to which such Petition shall relate; and such Sheriff or other Returning Officer shall cause a true Copy of such Notice to be affixed on or near the Door of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held; and such Notice shall also be inserted, by Order of the Speaker, in one of the next Two *London Gazettes*.

Voters may become a Party to oppose the Petition.

XX. And be it enacted, That at any Time within Fourteen Days after the Day on which any Election Petition shall have been presented, or within Twenty-one Days after the Day on which any Notice shall have been inserted in the Gazette to the Effect that the Seat is vacant, or that the Member returned will not defend his Election or Return, or if either of the said Periods shall expire during a Prorogation of Parliament, or during an Adjournment of the House of Commons for the *Easter* or *Christmas* Holidays, then on or before the Second Day on which the House shall meet after such Prorogation or Adjournment, it shall be lawful for any Person or Persons claiming to have had a Right to vote at the Election to which the Petition shall relate to petition the House of Commons, praying to be admitted as a Party or Parties to defend such Return, or to oppose the Prayer of such Election Petition; and such Person or Persons shall thereupon be admitted as a Party or Parties, together with the sitting Member if he be then a Party against such Petition, or in the Room of such Member if he be not then a Party against the Petition, and shall be considered as such to all Intents and Purposes whatever; and every such Petition shall be referred by the House to the General Committee of Elections herein-after mentioned.

Member notifying his Intention not to defend inadmissible as a Party.

XXI. And be it enacted, That whenever the Member whose Election or Return is so complained of in such Petition shall have given Notice as aforesaid of his Intention not to defend the same, he shall not be afterwards allowed to appear or act as a Party against such Petition in any Proceedings thereupon, and he shall also be restrained from sitting in the House of Commons, or voting on any Question, until such Petition shall have been decided upon.

At the Beginning of every Session, the Speaker to appoint a General Committee.

XXII. And be it enacted, That at the Beginning of every Session of Parliament, on or at any Time before the Day after the last Day allowed by any Order or Resolution of the House of Commons then in force for questioning the Returns of Members to serve in Parliament, the Speaker of the House of Commons shall,

shall, by Warrant under his Hand, appoint Six Members of the House, who shall be willing to serve, and against whose Return no Petition shall be then depending, and none of whom shall be a Petitioner complaining of any Election or Return, to be Members of a Committee, which shall be called the General Committee of Elections; and every such Warrant shall be laid on the Table of the House, and, if not disapproved by the House in the course of the Three next Days on which the House shall meet for the Dispatch of Business, shall take effect as an Appointment of such General Committee.

XXIII. And be it enacted, That in case the House shall disapprove any such Warrant the Speaker shall, on or before the Third Day on which the House shall meet after such Disapproval, lay upon the Table of the House a new Warrant for the Appointment of Six Members, qualified as aforesaid, and so from Time to Time until Six Members shall have been appointed by a Warrant which shall not be disapproved by the House as aforesaid.

If the House disapprove the first Appointment, a new one to be made.

XXIV. And be it enacted, That the Disapproval of the Warrant may be either general in respect of the Constitution of the whole Committee, or special in respect of any Member or Members named in the Warrant.

Disapproval may be general or special.

XXV. And be it enacted, That the Speaker may, if he shall think fit, but shall not be bound, to name, in the second or any subsequent Warrant, all or any of the Members named in any former Warrant whose Appointment shall not have been specially disapproved by the House as aforesaid.

Members not disapproved of may be renamed in the Warrant.

XXVI. And be it enacted, That after the Appointment of the General Committee every Member appointed shall continue to be a Member of the Committee until the End of that Session of Parliament, or until he shall cease to be a Member of the House of Commons, or until he shall resign his Appointment, or until the General Committee shall report that he is disabled by continued Illness from attending the Committee, or until the Committee shall be dissolved as herein-after provided.

For what Time the Appointment shall be.

XXVII. And be it enacted, That in every Case of Vacancy in the General Committee of Elections the Speaker, on the First Day on which the House shall meet after such Vacancy shall be known by him, shall make known the Vacancy to the House, and thereupon all Proceedings of the General Committee shall be suspended until the Vacancy shall be supplied as herein-after provided.

Vacancies to be made known to the House, and Proceedings suspended.

XXVIII. And be it enacted, That in case the General Committee of Elections shall at any Time report to the House of Commons that, by reason of the continued Absence of more than Two of its Members, or by reason of irreconcilable Disagreement of Opinion, the said Committee is unable to proceed in the Discharge of its Duties, or in case the House of Commons shall resolve that the General Committee of Elections be dissolved, the General Committee shall be thereby forthwith dissolved.

Cases in which the General Committee shall be dissolved.

XXIX. And be it enacted, That every Appointment to supply a Vacancy in the General Committee, and every Re-appointment of the General Committee after the Dissolution thereof, shall be made by the Speaker by Warrant under his Hand, and laid upon the Table of the House on or before the Third Day on which the House shall meet after the Dissolution of the Committee, or

How Vacancies shall be supplied and Re-appointments made.

Notification of the Vacancy, as the Case may be; and the Warrant shall be subject to the Disapproval of the House, in the like Manner as is herein-before provided in the Case of the first Warrant for the Appointment of the General Committee; and upon any Re-appointment of the General Committee the Speaker may re-appoint as many Members of the former Committee as he shall think fit, who shall then be willing and not disqualified to serve on it, but shall not be bound to re-appoint any of them.

Election Petitions to be referred to the General Committee.

XXX. And be it enacted, That all Election Petitions which shall be received by the House shall be referred by the House to the General Committee of Elections, for the Purpose of choosing Select Committees, as herein-after provided, to try such Petitions; and the Speaker shall communicate to the House and to the General Committee every Report by the Examiner of Recognizances to him concerning the Sureties to any Election Petition, and also every Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, which shall be inserted by Order of the Speaker in the Gazette as herein-before provided; and in every Case in which any Election Petition shall be withdrawn, or the Examiner of Recognizances shall have reported to the Speaker that the Sureties are objectionable, the Order for referring such Petition to the General Committee of Elections shall be discharged, and no further Proceeding shall be had upon such Petition; and the General Committee of Elections shall suspend their Proceedings in the Matter of any Petition referred to by any Notice inserted in the Gazette as aforesaid, and shall not do any thing therein until after Twenty-one Days after the Day on which such Notice shall have been inserted in the Gazette, unless the Petition of some Person or Persons claiming to be admitted as a Party or Parties in the Room of such Member shall be sooner referred to them; and the General Committee shall make out a List of all Election Petitions in which the Examiner of Recognizances shall have reported to the Speaker that the Sureties are unobjectionable, and in which the Proceedings are not suspended, in which List the Petitions shall be arranged in the Order in which they shall have been so reported upon; and in every Case in which the Proceedings in any Petition inserted in such List shall be afterwards suspended the Petition shall be struck out of the List, and shall be again inserted at the Bottom of the List at the End of such Suspension of Proceedings.

Provision for Cases where more than One Petition.

XXXI. And be it enacted, That when more than One Election Petition relating to the same Election or Return shall be referred to the General Committee of Elections, they shall suspend their Proceedings in the Matter of all such Petitions until the Report of the Examiner of Recognizances upon each of such Petitions, or such of them as shall not have been withdrawn, shall be received by them; and upon Receipt of the last of such Reports they shall place such Petitions at the Bottom of the then List of Election Petitions, bracketted together, and such Petitions shall afterwards be dealt with as One Petition.

Time and Place of first Meeting, and swearing of

XXXII. And be it enacted, That the Speaker shall appoint the Time and Place of the first Meeting of the General Committee of Elections, and the Committee shall meet at the Time and Place

so appointed ; but no Member appointed or re-appointed to be of the General Committee of Elections shall act upon such Committee until he shall have been sworn at the Table of the House, by the Clerk or Clerk Assistant, truly and faithfully to perform the Duties belonging to a Member of the said Committee, without Fear or Favour, to the best of his Judgment and Ability.

General Committee.

XXXIII. And be it enacted, That no Business shall be transacted by or before the General Committee of Elections unless at the least Four Members of the General Committee shall be then present together ; and no Appointment of a Select Committee by the General Committee, to be made as herein-after provided, shall be of force unless at the least Four Members then present of the said General Committee shall agree in the Appointment.

Members necessary to enable the Committee to act.

XXXIV. And be it enacted, That, subject to the Provisions of this Act, the said Committee shall make Regulations for the Order and Manner of conducting Business to be transacted by and before them.

Committee to regulate their Proceedings.

XXXV. And be it enacted, That the General Committee shall be attended by one of the Committee Clerks of the House, who shall be selected by the Clerk of the House of Commons for the Time being, and shall make a Minute of all the Proceedings of the Committee, in such Form and Manner as shall be from Time to Time directed by the Committee ; and a Copy of the Minutes so kept shall be laid from Time to Time before the House of Commons.

Clerk to keep Minutes of the Proceedings, to be laid before the House.

XXXVI. And be it enacted, That if, at the Time of the Dissolution or Suspension of all the Proceedings of the General Committee of Elections, there shall be any Business appointed to be transacted by or before such General Committee on any certain Day, it shall be lawful for the Speaker to adjourn the Transaction of such Business to such other Day as to the Speaker shall seem convenient, and so as often as the Case may happen.

The Speaker may adjourn Business before the General Committee.

XXXVII. And be it enacted, That every Member who shall be more than Sixty Years old shall be wholly excused from serving on Election Committees ; provided that on or before the last Day allowed for questioning Returns of Members to serve in Parliament, or upon the reading over of the Names of such excused Members as herein-after mentioned, or upon his afterwards becoming entitled to make such Claim, he will claim to be excused, by declaring in his Place, or in Writing under his Hand, to be delivered to the Clerk at the Table, that he is more than Sixty Years old ; but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided.

Members wholly excused from serving.

XXXVIII. And be it enacted, That on the next Meeting of the House after the last Day allowed for questioning Returns of Members to serve in Parliament, the Clerk of the House of Commons shall read over the Names of all the Members who shall so have claimed to be excused.

Members claiming to be excused.

XXXIX. And be it enacted, That every Member who shall have Leave of Absence from the House shall be excused from serving on Election Committees during such Leave ; and if any Member in his Place shall offer any other Excuse, either at the reading over the said Names, or at any other Time, the Substance of the Alle-

Members temporarily excused from serving.

gations shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the Opinion of the House shall then be taken thereon; and if the House shall resolve that the said Member ought to be excused, he shall be excused from serving on Election Committees for such Time as to the House shall seem fit, but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided; and every Member who shall have served on One Select Committee for trying an Election Petition, and who, within Seven Days after such Committee shall have made its final Report to the House, shall notify to the Clerk of the General Committee his Claim to be excused from so serving again, shall be excused during the Remainder of the Session, unless the House shall at any Time resolve, upon the Report of the General Committee, that the Number of Members who have not so served is insufficient; but no Member shall be deemed to have served on an Election Committee who on account of Inability or Accident shall have been excused from attending the same throughout.

Members temporarily disqualified from serving.

XL. And be it enacted, That every Member whose Return shall not have been brought in for a Time exceeding that allowed for questioning the Returns of Members, or who shall be a Petitioner complaining of an undue Election or Return, or against whose Return a Petition shall be then depending, shall be disqualified to serve on Election Committees during the Continuance of such Ground of Disqualification; and every Member of any Select Committee appointed to try an Election Petition shall be disqualified to serve again on an Election Committee during Seven Days after the final Report of the Committee on which he so served.

A List, distinguishing the excused or disqualified Members, to be printed and distributed with the Votes.

XLI. And be it enacted, That the Clerk shall make out an Alphabetical List of all the Members, omitting the Names of such Members as shall have claimed to be wholly excused from serving on Election Committees as aforesaid; and the Clerk shall also distinguish in such List the Name of every Member who shall be for a Time excused or disqualified, and shall also note in the List every Cause of such temporary Excuse or Disqualification, and the Duration thereof; and such List shall be printed and distributed with the Votes of the House, and the Names of all the Members so omitted shall be also printed and distributed with the Votes.

List may be further corrected during One Week.

XLII. And be it enacted, That during Three Days next after the Day of the Distribution of such corrected List further Corrections may be made in such List by Leave of the Speaker, if it shall appear that any Name has been improperly left in or struck out of such List, or that there is any other Error in such List.

Selection of Members to serve as Chairmen of Election Committees.

XLIII. And be it enacted, That the List so finally corrected shall be referred to the General Committee of Elections, and the General Committee shall thereupon select, in their Discretion, Six, Eight, Ten, or Twelve Members, whom they shall think duly qualified, to serve as Chairmen of Election Committees; and the Members so selected shall be formed into a separate Panel, to be called "the Chairmen's Panel," which shall be reported to the House; and while the Name of any Member shall be upon the Chairmen's Panel he shall not be liable or qualified to serve on an Election Committee, otherwise than as Chairman; and that every Member

Member who shall have been placed on the Chairmen's Panel shall be bound to continue upon it until the End of the Session, or until he shall sooner cease to be a Member of the House, or until, by the Leave of the House, he shall be discharged from continuing upon the Chairmen's Panel: Provided always, that every Member of the Chairmen's Panel who shall have served on One or more Election Committees, and who shall notify to the Clerk of the General Committee of Elections his Claim to be discharged from continuing upon the Chairmen's Panel, shall be so discharged accordingly; and every such Member shall be excused from serving upon any Election Committee, either as Chairman or otherwise, during the Remainder of the Session; but no Member of the Chairmen's Panel shall be deemed to have served on an Election Committee who on account of Inability or Accident shall have been excused from attending the same throughout.

XLIV. And be it enacted, That after the Chairmen's Panel shall have been so as aforesaid selected, the General Committee shall divide the Members then remaining on such List into Five Panels, in such Manner as to them shall seem most convenient, but so nevertheless that each Panel may contain, as nearly as may be, the same Number of Members, and shall report to the House the Division so made by them; and the Clerk shall decide by Lot at the Table the Order of the Panels as settled by the General Committee, and shall distinguish each of them by a Number denoting the Order in which they shall have been drawn; and the Panels shall then be returned to the General Committee of Elections, and shall be the Panels from which all Members shall be chosen to serve on Election Committees.

List to be
divided into
Five Panels.

XLV. And be it enacted, That the General Committee of Elections shall correct the said Panels from Time to Time, by striking out of them the Name of every Member who shall cease to be a Member of the House, or who from Time to Time shall become entitled and shall claim as aforesaid to be wholly excused from serving on Election Committees, and by inserting in one of the Panels to be chosen by the General Committee, at their Discretion, the Name of every new Member of the House who shall not be entitled and claim as aforesaid to be wholly excused; and shall also from Time to Time distinguish, in the Manner aforesaid, in the said Panels, the Names of those Members who shall be for a Time excused or disqualified for any of the Reasons aforesaid; and the General Committee shall, as often as they shall think fit, report to the House the Panels as they shall then stand corrected; and as often as the General Committee of Elections shall report the said Panels to the House they shall be printed and distributed with the Votes of the House.

General Com-
mittee to cor-
rect the Panels
from Time to
Time.

XLVI. And be it enacted, That when Leave of Absence for a limited Time shall have been granted by the House to any Member, it shall be lawful for the General Committee of Election to transfer the Name of such Member from the Panel in which it shall have been placed to some other Panel subsequent in Rotation, if they shall think fit so to do, having regard to the Length of Time for which such Leave of Absence shall have been granted, and to the Number of Select Committees then about to be appointed.

Power to trans-
fer to another
Panel Members
obtaining Leave
of Absence.

For supplying Vacancies, and increasing the Chairmen's Panel.

XLVII. And be it enacted, That whenever any Member of the Chairmen's Panel shall cease to be a Member of the House, or shall be, by Leave of the House, discharged from continuing upon the Chairmen's Panel, or shall be so discharged by reason of Service, under the Provision herein-before contained, the General Committee shall forthwith select another Member to be placed upon the Chairmen's Panel in his Room; and in case it shall at any Time appear to the General Committee that the Chairmen's Panel is too small, it shall be lawful for the General Committee to select Two, Four, or Six additional Members to place upon it, so nevertheless that the Chairmen's Panel shall not at any Time consist of more than Eighteen Members, without the Leave of the House first obtained.

Members upon Chairmen's Panel to make Regulations.

XLVIII. And be it enacted, That it shall be lawful for the Members who are upon the Chairmen's Panel from Time to Time to make such Regulations as they may find convenient for securing the Appointment or Selection of Chairmen of Election Committees, and for distributing the Duties of Chairman among all of them.

General Committee to determine how many Committees shall be chosen in each Week.

XLIX. And be it enacted, That the General Committee of Elections shall from Time to Time determine how many Committees shall be chosen in each Week for trying the Election Petitions which then stand referred to them in which the Sureties shall have been reported unobjectionable, and the Day or Days on which they will meet for choosing such Committees, which they shall choose in the same Order in which the Petitions stand in the List aforesaid, having regard to the Number of Select Committees which may then be sitting for the Trial of Election Petitions, and to the whole Number of such Committees then to be appointed; and Notice of the Time and Place at which the Committee will be chosen to try any Election Petition shall be published with the Votes, and in case the Conduct of the Returning Officer is complained of, shall be sent to such Returning Officer through the Post not less than Fourteen Days before the Day on which such Committee shall be chosen; and every such Notice shall direct all Parties interested to attend the General Committee of Elections, by themselves, their Counsel or Agents, at the Time appointed for choosing the Select Committee.

Notice to be given when any Committee will be chosen.

L. And be it enacted, That Notice shall be published with the Votes of the Petitions appointed for each Week, and of the Panel from which Committees will be chosen to try such Petitions.

Petitions and Panel Notice.

Provision for Cases where the sitting Member does not defend, and some Party has been admitted to defend, &c.

LI. And be it enacted, That in all Cases where Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, shall have been inserted in the Gazette, by Order of the Speaker, and some Party shall have been admitted to defend such Return, as herein-before provided, or where the Conduct of the Returning Officer is complained of, the General Committee of Elections shall meet for choosing the Select Committee to try the Petition relating to such Return, at a Time to be appointed by them, not sooner than Fourteen Days after the Petition (or the last of the Petitions if more than One) to be allowed to defend such Election or Return shall have been referred to them; and not less than Fourteen Days Notice shall be given in the

the Votes of the Time appointed for choosing such Select Committee, and any former Notice that may have been given shall be taken to be annulled; but if no Party shall have been admitted to defend such Election or Return, and if the Conduct of the Returning Officer is not complained of in such Petition, the General Committee of Elections shall meet for choosing the Select Committee to try such Petition as soon as conveniently may be after the Expiration of the Time allowed for Parties to come in to defend such Election or Return as herein-before provided; and not less than One Day's Notice of the Time and Place appointed for choosing such Committee shall be given in the Votes.

LII. And be it enacted, That it shall be lawful for the General Committee of Elections to change the Day and Hour appointed by them for choosing a Select Committee to try any Election Petition, and to appoint some subsequent Day and Hour for the same, if it shall in their Judgment be expedient so to do, giving Notice in the Votes of the Day and Hour so subsequently appointed; and in every Case in which any such Change shall be made by them they shall forthwith report the same to the House, with their Reasons for making such Change.

LIII. And be it enacted, That in all Cases of controverted Elections or Returns of Members to serve in Parliament, all the Parties complaining of or defending such Elections or Returns shall, by themselves or their Agents, deliver in to the Clerk of the General Committee Lists of the Voters intended to be objected to, giving in the said Lists the several Heads of Objections, and distinguishing the same against the Names of the Voters excepted to, not later than Six of the Clock in the Afternoon on the Sixth Day next before the Day appointed for choosing the Committee to try the Petition complaining of such Election or Return; and the said Clerk shall keep the Lists so delivered to him in his Office open to the Inspection of all Parties concerned.

LIV. And be it enacted, That the General Committee shall meet at the Time appointed for choosing the Committee to try any Election Petition, and shall choose from the Panel then standing next in order of Service, exclusive of the Chairmen's Panel, Six Members, not being then excused or disqualified for any of the Causes aforesaid, and who shall not be specially disqualified for being appointed on the Committee to try such Petition for any of the following Causes; (that is to say,) by reason of having voted at the Election, or by reason of being the Party on whose Behalf the Seat is claimed, or related to the sitting Member or Party on whose Behalf the Seat is claimed by Kindred or Affinity in the First or Second Degree according to the Canon Law; and each Panel shall serve for a Week, beginning with the Panel first drawn, and continuing by Rotation in the Order in which they were drawn, and not reckoning those Weeks in which no Select Committee shall be appointed to be chosen.

LV. And be it enacted, That in case at the least Four Members then present of the General Committee of Elections shall not agree in choosing a Committee to try any Petition appointed for that Day, the General Committee shall adjourn the choosing of that Committee, and of the remaining Committees appointed to be chosen on that Day, to the following Day; and the Parties shall be directed

General Committee empowered to alter the Day for choosing Select Committee.

Lists of Voters intended to be objected to shall be delivered to the Clerk of the General Committee.

Select Committee to be chosen.

In case of Disagreement the General Committee to adjourn.

Committees to be chosen for Petitions according to their Order on the List.

directed to attend on the following Day, and so from Day to Day (with the Exception of *Sunday, Good Friday, and Christmas Day*) until all such Committees shall be chosen, or until the General Committee of Elections shall be dissolved as herein-before provided; and the General Committee shall not in any Case proceed to choose a Committee to try any Election Petition until they shall have chosen a Committee to try every other Election Petition standing higher in the List aforesaid, the Order for referring which shall not be then discharged, or in which the Proceedings shall not be then suspended under the Provisions herein-before contained, except in the Case of choosing a Committee to supply the Place of a discharged Committee as herein-after provided, which substituted Committee shall be first chosen on the Day on which the General Committee shall meet for that Purpose, and also except in the Case where the Day originally appointed for choosing a Committee shall have been changed under the Provisions herein-before contained.

Parties to hear Names of Committee.

LVI. And be it enacted, That as soon as the General Committee of Elections shall have chosen a Committee to try any such Petition the Parties in attendance shall be called in, and the Names of the Committee chosen shall be read over to them.

General Committee to proceed in order with all the Petitions appointed for that Day.

LVII. And be it enacted, That after hearing the Names of the Committee chosen the Parties present shall be directed to withdraw, and the General Committee may proceed to choose another Committee to try the next Petition appointed for that Day until all the Committees appointed to be chosen on that Day shall be chosen, or until the choosing of any Committee shall be adjourned as aforesaid; and after any such Adjournment the General Committee shall not transact any more Business on that Day, except with regard to those Petitions for trying which Committees shall have been previously chosen.

Parties may object to disqualified Members.

LVIII. And be it enacted, That within One Half Hour at furthest from the Time when the Parties to any Election Petition shall have withdrawn, or if the Parties to any other Election Petition shall then be before the General Committee of Elections, then after such other Parties shall have withdrawn, the Parties in attendance shall be again called before the General Committee in the same Order in which they were directed to withdraw; and the Petitioners and sitting Member or Members, or such Party as may have been admitted as aforesaid to defend the Return or Right of Election, their Counsel or Agents, beginning on the Part of the Petitioners, may object to all or any of the Members chosen, as being then disqualified or excused, for any of the Reasons aforesaid, from serving on the Committee for the Trial of that Election Petition, but not for any other Reason whatsoever; and if at the least Four Members then present of the General Committee shall be satisfied that any Member so objected to is then disqualified or excused for any of the Reasons aforesaid, the Parties present shall be again directed to withdraw, and the General Committee shall proceed to choose another Committee from the same Panel to try that Petition, and so as often as the Case may happen; and in the second or any following Committee the General Committee may, if they shall think fit, include all or any of the Members first chosen by them, except those who shall have been objected to, and who shall

If General Committee allow the Disqualification a new Committee to be chosen.

shall have been allowed by the General Committee to be disqualified or excused; and no Party shall be allowed to object to any Member who may be included in the second or any following Committee who was not objected to when included in the Committee first chosen to try that Petition.

LIX. And be it enacted, That when Six Members shall have been chosen, none of whom shall have been objected to, the Clerk of the General Committee of Elections shall give Notice thereof in Writing to each of the Members so chosen; and with every such Notice shall be sent a Notice of the general and special Grounds of Disqualification and Excuse from serving which are herein-before mentioned, and of the Time and Place when and where the General Committee will meet on the following Day; and Notice of the Time and Place of such Meeting shall be published with the Votes.

Notice to be sent to every Member chosen.

LX. And be it enacted, That the General Committee shall meet in the following Day at the Time and Place mentioned in such Notice as last aforesaid; and if any Member shall then and there prove, to the Satisfaction of at least Four Members then present of the General Committee, that, for any of the Reasons aforesaid, he is disqualified or excused from serving on the Committee for which he shall have been so chosen, or if any such Member shall prove to the Satisfaction of at least Four Members then present of the General Committee that there are any Circumstances in his Case which render him ineligible to serve on such Select Committee, such Circumstances having regard not to his own Convenience but solely to the impartial Character of the Tribunal, the General Committee shall proceed to choose a new Committee to try that Petition, in like Manner as if that Member had been objected to by any Party to the Petition; and if within the Space of One Hour after the Time mentioned in the Notice no Member shall so appear, or if any Member so appearing shall not prove his Disqualification or Excuse, to the Satisfaction of at least Four Members then present of the General Committee, a Chairman shall be appointed to the Six Members so chosen to be of the Select Committee in the Manner herein-after mentioned.

If any Member chosen proves Disqualification another Committee to be chosen.

LXI. And be it enacted, That when Six Members of the Committee are finally chosen as aforesaid the Members who are upon the Chairmen's Panel shall notify to the Members of the General Committee the Name of the Member who has been appointed or selected by them as the Chairman of such Election Committee, and the General Committee shall add his Name to the Names of the Six Members chosen by them as aforesaid, and they shall communicate the Name of such Chairman to the Parties interested, or such of them as still think fit to attend for that Purpose, and if no Objection be substantiated thereto the Select Committee shall then be taken to be appointed: Provided always, that no Member shall serve as Chairman of any Election Committee who would be disqualified from serving on such Committee if not upon the Chairmen's Panel; and any of the Parties in attendance may object to such Chairman as being then disqualified or excused, for any of the Reasons aforesaid, from serving on the Committee for the Trial of that Election Petition, but not for any other Reason whatsoever; and if at the least Four Members then present of the General Committee shall be satisfied that the Chairman so objected

Members on Chairmen's Panel to appoint Chairman to Select Committees.

objected to is disqualified or excused for any of the Reasons aforesaid, the Parties present shall be again directed to withdraw, and the General Committee shall send back the Name of such Chairman to the Members on the Chairmen's Panel, and the Members on the Chairmen's Panel shall proceed to choose another Chairman to try that Petition, and so as often as the Case may happen; and the Name of the Chairman to whom no Objection shall be substantiated shall be added to the Names of the Six Members chosen by them, and the Select Committee shall then be taken to be appointed.

Select Committee to be reported to the House.

LXII. And be it enacted, That at the Meeting of the House of Commons for the Despatch of Business next after any such Select Committee shall be appointed, the Members chosen, including the Chairman, shall attend in their Places, and the General Committee of Elections shall report to the House the Names of the Select Committee appointed, and shall annex to such Report all Petitions referred to them by the House which shall relate to the Return or Election of which such Select Committee is appointed to try the Merits, and all Lists of Voters which shall have been delivered to them by either Party; and the Members chosen to be of the said Select Committee shall not depart the House till the Time for the meeting of such Select Committee shall be fixed.

Members of Select Committee to be sworn;

LXIII. And be it enacted, That the Seven Members appointed as herein-before is mentioned shall, before departing the House, be sworn at the Table, by the Clerk or Clerk Assistant, well and truly to try the Matter of the Petitions referred to them, and a true Judgment to give according to the Evidence, and shall be taken to be a Select Committee legally appointed to try and determine the Merits of the Return or Election so referred by the House to them; and the Member so appointed from the Chairmen's Panel shall be the Chairman of such Committee.

and if not present within One Hour after the meeting of the House, to be taken into Custody by the Sergeant-at-Arms.

LXIV. And be it enacted, That if any Member of the said Select Committee shall not attend in his Place within One Hour after the meeting of the House on the Day appointed for swearing the said Committee, or if, after attending, any Member shall depart the House before the said Committee shall be sworn, unless the Committee shall be discharged, or the swearing of the said Committee shall be adjourned as herein-after provided, he shall be ordered to be taken into the Custody of the Sergeant-at-Arms attending the House, for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House, by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the House.

If Member not present within Three Hours after the meeting of the House, the Proceedings to be adjourned.

LXV. And be it enacted, That if any such absent Member shall not be brought into the House within Three Hours after the meeting of the House on the Day first appointed for swearing the said Committee, and if no sufficient Cause shall be shown to the House before its rising whereon the House shall dispense with the Attendance of such absent Member, the swearing of the Committee shall be adjourned to the next Meeting of the House; and all the Members of the said Committee shall be bound to attend in their Places, for the Purpose of being sworn at the next Meeting of the House, in like Manner as on the Day first appointed for that Purpose.

LXVI. And

LXVI. And be it enacted, That if on the Day to which the swearing of the said Committee shall be so adjourned all the Members of the Committee shall not attend and be sworn, or if sufficient Cause shall be shown to the House before its rising, on the Day first appointed for swearing the said Committee, why the Attendance of any Member of the Committee should be dispensed with, the said Committee shall be taken to be discharged, and the General Committee shall meet on the following Day (*Sundays, Christmas Day, and Good Friday* excepted), and shall proceed to choose a new Committee from the same Panel from which the discharged Committee was chosen in the Manner herein-before provided, and Notice of such Meeting shall be published with the Votes.

LXVII. And be it enacted, That the House shall refer the Petitions and Lists annexed to the Report of the General Committee of Elections to the Select Committee so appointed and sworn, and shall order the said Select Committee to meet at a certain Time, to be fixed by the House, which shall be within Twenty-four Hours of their being sworn at the Table of the House, unless a *Sunday, Christmas Day, or Good Friday* shall intervene; and the Place of their meeting shall be some convenient Room or Place adjacent to the House of Commons, properly prepared for that Purpose.

LXVIII. And be it enacted, That in case there shall ever be Occasion for electing a new Chairman, on the Death or necessary Absence of the Chairman first appointed, the remaining Members of the Committee shall elect One of themselves to be Chairman, and if in that Election there shall be an equal Number of Voices the Member whose Name stands foremost in the List of the Committee as reported to the House shall have a second or casting Vote.

LXIX. And be it enacted, That every such Select Committee shall sit from Day to Day, *Sunday, Christmas Day, and Good Friday* only excepted, and shall never adjourn for a longer Time than Twenty-four Hours, unless a *Sunday, Christmas Day, or Good Friday* intervene, and in such Case not for more than Twenty-four Hours, exclusive of such *Sunday, Christmas Day, or Good Friday*, without Leave first obtained from the House, upon Motion, and special Cause assigned for a longer Adjournment; and in case the House shall be sitting at the Time to which such Select Committee is adjourned, then the Business of the House shall be stayed, and a Motion shall be made for a further Adjournment for any Time to be fixed by the House: Provided always, that if such Select Committee shall have Occasion to apply or report to the House, and the House shall be then adjourned for more than Twenty-four Hours, such Select Committee may also adjourn to the Day appointed for the meeting of the House.

LXX. And be it enacted, That no Member appointed as aforesaid to be of any such Select Committee shall absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof, for the Cause of Sickness, verified upon the Oath of his Medical Attendant, or for other special Cause shown, and verified upon Oath; and in every such Case the Member to whom such Leave shall be granted or Excuse allowed shall be discharged from attending, and shall

All the Members not attending after Adjournment, the Committee to be discharged.

Petitions, &c. to be referred to Committee, and Time and Place of meeting to be fixed by the House.

Casting Vote in the Election of a Chairman.

Committees not to adjourn for more than Twenty-four Hours, without Leave, &c.

Committee-man not to absent himself.

Committee not to sit till all meet; on failure of all meeting not

within One Hour, to adjourn.

Absentees to be directed to attend the House.

If any Committee is reduced to less than Six by the Non-attendance of its Members it shall be dissolved, except as herein mentioned.

not be entitled again to sit or vote on the said Committee; and such Select Committee shall never sit until all the Members to whom such Leave has not been granted nor Excuse allowed are met; and in case all such Members shall not meet within One Hour after the Time to which such Select Committee shall have been adjourned, a further Adjournment shall be made, and reported by their Chairman, with the Cause thereof, to the House.

LXXI. And be it enacted, That every Member whose Absence without Leave or Excuse shall be so reported shall be directed to attend the House at its next Sitting, and shall then be ordered to be taken into the Custody of the Sergeant-at-Arms attending the House, for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House, by Facts specially stated and verified upon Oath, that such Member was, by a sudden Accident or by Necessity, prevented from attending the said Select Committee.

LXXII. And be it enacted, That in case the Number of Members able to attend any such Select Committee shall be, by Death or otherwise, unavoidably reduced to less than Six, and shall so continue for the Space of Three Sitting Days, such Select Committee shall be dissolved (except in either of the Cases herein-after provided), and another shall be appointed to try and determine the Matter of such Petition in manner aforesaid; and the General Committee shall meet for that Purpose as soon as conveniently may be after the Occasion shall have arisen, at a Day and Hour to be appointed by them, and Notice of such Meeting shall be published with the Votes; and all the Proceedings of such former Committee shall be void and of no Effect: Provided always, that whenever any such Committee shall have met for Business Fourteen Days, not including those Days on which they shall have adjourned on account of the Absence of any Member, it shall be lawful for them to proceed to Business, if a Number of Members not less than Five be present, and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Five, and shall so continue for the Space of Three Sitting Days; and whenever any such Committee shall in like Manner have met for Business Twenty-five Days, or shall have directed any Commission to be issued for the Examination of Evidence in *Ireland* under the Provisions of the said Act of the Forty-second Year of the Reign of King *George* the Third, it shall be lawful for them to proceed to Business if a Number of Members not less than Four be present, and in such Case the Committee shall not be dissolved by reason of the Absence of the Members, unless the Number of Members able to attend the same shall, by Death or otherwise, be unavoidably reduced to less than Four, and shall so continue for the Space of Three Sitting Days: Provided also, that, with the Consent in Writing of all Parties before the Committee, it shall be lawful for the Committee to proceed to Business, notwithstanding any unavoidable Reduction of their Number; and without reference to the Number of Days during which they shall have met for Business before such unavoidable Reduction of their Number, and in such Case the

Committee shall not be dissolved by reason of the Absence of the Members.

LXXIII. And be it enacted, That every such Committee shall be attended by a Person skilled in the Art of writing Short-hand, who shall be specially appointed by the Clerk of the House of Commons for the Time being, and sworn by the Chairman faithfully and truly to take down the Evidence given before such Committee, and from Day to Day, as Occasion may require, to write or cause the same to be written in Words at Length for the Use of the Committee.

Committees to be attended by a Short-hand Writer.

LXXIV. And be it enacted, That every such Select Committee shall have Power to send for Persons, Papers, and Records, and to examine any Person who may have subscribed the Petition which such Select Committee shall have been appointed to try and determine, unless it shall otherwise appear to such Committee that such Person is an interested Witness, and shall examine all the Witnesses who come before them upon Oath, which Oath the Clerk attending such Select Committee is hereby empowered to administer; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons, shall disobey such Summons, or if any Witness before such Select Committee shall give false Evidence, or prevaricate, or shall otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee, by their Direction, may at any Time during the Course of their Proceedings report the same to the House, for the Interposition of the Authority or Censure of the House, as the Case may require, and may, by a Warrant under his Hand directed to the Sergeant-at-Arms attending the House of Commons, or to his Deputy or Deputies, commit such Person (not being a Peer of the Realm or Lord of Parliament) to the Custody of the said Sergeant, without Bail or Mainprize, for any Time not exceeding Twenty-four Hours if the House shall then be sitting, and if not, then for a Time not exceeding Twenty-four Hours after the Hour to which the House shall then be adjourned.

Committee empowered to send for and examine Persons, Papers, and Records.

Witnesses misbehaving may be reported to the House, and committed to the Custody of the Sergeant-at-Arms.

LXXV. And be it enacted, That where in this Act any thing is required to be verified on Oath to the House of Commons, it shall be lawful for the Clerk or Clerk Assistant of the House of Commons to administer an Oath for that Purpose, or an Affidavit for such Purpose may lawfully be sworn before any Justice of the Peace or Master of the High Court of Chancery.

How Oaths to be administered.

LXXVI. And be it enacted, That every Person who shall wilfully give any false Evidence before the House of Commons, or any Committee or Examiner of Recognizances, under the Provisions of this Act, or who shall wilfully swear falsely in any Affidavit authorized by this Act to be taken, shall, on Conviction thereof, be liable to the Penalties of wilful and corrupt Perjury.

Giving false Evidence to be Perjury.

LXXVII. And be it enacted, That no Evidence shall be given before the Select Committee, or before any Commission issued by the said Committee, against the Validity of any Vote not included in one of the Lists of Voters delivered to the General Committee as aforesaid, or upon any Head of Objection to any Voter included in any such List other than one of the Heads specified against him in such List.

Evidence to be confined to Objections stated in the Lists.

LXXVIII. And

Committee to decide, and to report their Decision to the House.

LXXVIII. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election, or both, and shall determine by a Majority of Voices whether the Petitioners or the sitting Members, or either of them, be duly returned or elected, or whether the Election be void, or whether a new Writ ought to issue, which Determination shall be final between the Parties to all Intents and Purposes; and the House, on being informed thereof by the Committee, shall order such Report to be entered in their Journals, and shall give the necessary Directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a new Writ for a new Election, or for carrying the said Determination into execution, as the Case may require.

Committees may report their Determination on other Matters to the House.

LXXIX. And be it enacted, That if any such Select Committee shall come to any Resolution other than the Determination above mentioned, they shall, if they think proper, report the same to the House for their Opinion, at the same Time that they shall inform the House of such Determination; and the House may confirm or disagree with such Resolution, and make such Orders thereon as to them shall seem proper.

When Committee is deliberating the Room to be cleared, &c.

LXXX. And be it enacted, That whenever any such Select Committee shall think it necessary to deliberate among themselves upon any Question which shall arise in the Course of the Trial, or upon the Determination thereof, or upon any Resolution concerning the Matter of the Petition referred to them as aforesaid, as soon as they shall have heard the Evidence and Counsel on both Sides relative thereto, the Room or Place in which they shall sit shall be cleared, if they shall think proper, whilst the Members of the Committee consider thereof.

Majority to decide.

LXXXI. And be it enacted, That all Questions before the Committee shall be decided by a Majority of Voices; and whenever the Voices shall be equal the Chairman shall have a second or casting Voice.

Names of Members voting for or against any Resolution to be reported.

LXXXII. And be it enacted, That whenever the Select Committee shall be divided upon any Question, the Names of the Members voting in the Affirmative and in the Negative shall be entered in the Minutes of the said Committee, and shall be reported to the House, with the Questions on which such Divisions arose, at the same Time with the final Report of the Committee; and no Member of the Committee shall be allowed to refrain from voting on any Question on which the Committee shall be divided.

Committees not dissolved by the Prorogation of Parliament, &c.

LXXXIII. And be it enacted, That whenever it shall happen that Parliament shall be prorogued, after any Petition complaining of an undue Election or Return, or of the Omission to return, shall have been presented, but before the Appointment of a Select Committee to try the Petition, the General Committee of Elections shall, within Two Days after their First Meeting, in case the Sureties shall have been then reported unobjectionable, appoint a Day and Hour for selecting a Committee to try the Petition as aforesaid; and if the Parliament shall be prorogued after the Appointment of any Select Committee for the Trial of any such Petition as aforesaid, and before they shall have reported to the House their

their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of the Clock on the Day immediately following that on which Parliament shall meet again for the Despatch of Business (*Sundays, Good Friday, and Christmas Day* always excepted); and all former Proceedings of such Committee and of any Commission to take Evidence issued under the Authority of such Committee, shall remain and continue to be of the same Force and Effect as if Parliament had not been so prorogued; and such Committee shall meet on the Day and Hour to which it shall be so adjourned, and shall thenceforward continue to sit from Day to Day in the Manner herein-before provided, until they shall have reported to the House their Determination on the Merits of such Petition.

LXXXIV. And be it enacted, That whenever any Committee appointed to consider the Merits of any Petition complaining of an undue Election or Return, or of the Omission to return any Member or Members to Parliament, shall report to the House with respect to any such Petition that the same appeared to them frivolous or vexatious, the Party or Parties, if any, who shall have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the Person or Persons, or any of them, who shall have signed such Petition, the full Costs and Expences which such Party or Parties shall have incurred in opposing the same, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, when
incurred by
Petitioners, &c.

LXXXV. And be it enacted, That whenever such Committee shall report to the House, with respect to the Opposition made to such Petition by any Party or Parties who shall have appeared before them, that such Opposition appeared to be frivolous or vexatious, the Person or Persons who shall have signed such Petition shall be entitled to recover from such Party or Parties, or any of them, with respect to whom such Report shall be made, the full Costs and Expences which such Petitioner or Petitioners shall respectively have incurred in prosecuting their Petition, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, when
incurred by
Parties oppos-
ing Petitions.

LXXXVI. And be it enacted, That whenever no Party shall have appeared before any such Committee in opposition to such Petition, and such Committee shall report to the House, with respect to the Election or Return, or to the alleged Omission of a Return, or to the alleged Insufficiency of a Return complained of in any such Petition, that the same appeared to them to be vexatious or corrupt; the Person or Persons who shall have signed such Petition shall be entitled to recover from the sitting Member or sitting Members (if any) whose Election or Return shall be complained of in such Petition (such sitting Member or sitting Members not having given Notice as aforesaid of his or their Intention not to defend the same), or from any other Person or Persons whom the House shall have admitted or directed to be made a Party or Parties to oppose such Petition, the full Costs and Expences which such Petitioner or Petitioners shall have incurred in prosecuting their Petition; such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs, when
incurred where
no Party ap-
pears to oppose
a Petition.

Costs upon
frivolous Ob-
jections.

LXXXVII. And be it enacted, That if any Ground of Objection shall be stated against any Voter in any Lists of Votes intended to be objected to as herein-before provided, and if such Select Committee shall be of opinion that such Objection was frivolous or vexatious, the said Committee shall report the same to the House of Commons, together with their Opinion on the other Matters relating to the said Petition, and the opposite Party shall in such Case be entitled to recover, from the Party or Parties by whom or on whose Behalf any such Objections were made, the full Costs and Expences incurred by reason of such frivolous or vexatious Objections, which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous or vexatious Petitions.

Costs upon
unfounded
Allegations.

LXXXVIII. And be it enacted, That if either Party shall make before the said Select Committee any specific Allegation with regard to the Conduct of the other Party or his Agents, and shall either bring no Evidence in support thereof, or such Evidence that the Committee shall be of opinion that such Allegation was made without any reasonable or probable Ground, it shall be lawful for the Committee to make such Orders as to them shall seem fit for the Payment, by the Party making such unfounded Allegation, to the other Party, of all Costs and Expences which shall have been incurred by reason of such unfounded Allegation; which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous and vexatious Petitions.

Costs how to be
ascertained.

LXXXIX. And be it enacted, That the Costs and Expences of prosecuting or opposing or preparing to oppose any Petition presented under the Provisions of this Act, and the Costs and Expences which shall be due and payable to any Witness summoned to attend before the Examiner of Recognizances, or before any Committee under the Provisions of this Act, shall be ascertained in manner following; (that is to say,) on Application made to the Speaker of the House of Commons by any such Petitioner, Party, or Witness, for ascertaining such Costs and Expences, not later than Three Calendar Months after the Determination of the Merits of such Petition, or after any Order of the House for discharging the Order of Reference of such Petition to the General Committee of Elections, or after the Withdrawal of any Petition, as herein-before provided, the Speaker shall direct the same to be taxed by the Examiner of Recognizances; and the said Examiner shall examine and tax such Costs and Expences, and shall report the Amount thereof, together with the Name of the Party or Parties liable to pay the same, and the Name or Names of the Party or Parties entitled to receive the same, to the Speaker, who shall, upon Application made to him, deliver to the Party or Parties a Certificate, signed by himself, expressing the Amount of the Costs and Expences allowed in such Report, with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same; and such Certificate, so signed by the Speaker, shall be conclusive Evidence as well of the Amount of such Demands as of the Title of the several Parties to recover the same in all Cases and for all Purposes whatsoever; and the

Witness or Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

XC. Provided always, and be it enacted, That the Examiner of Recognizances shall not include in any such Taxed Costs any Costs which may have been occasioned by Delay in the Appointment of the Select Committee, after the Examiner of Recognizances shall have reported to the Speaker whether or not the Sureties are unobjectionable.

Costs of Delay in appointing Select Committee.

XCI. And be it enacted, That the Examiner of Recognizances is empowered to examine upon Oath any Witnesses tendered to him for Examination, and to receive Affidavits sworn before him, or before any Master of the High Court of Chancery, or any of Her Majesty's Justices of the Peace, who are severally empowered to take the same, relative to such Costs or Expences, or the Taxation or Nonpayment thereof, and to administer the Oath for taking such Affidavit.

Persons appointed to tax Costs empowered to take Affidavits.

XCII. And be it enacted, That it shall be lawful for the Party or Parties entitled to such Taxed Costs and Expences, or for his, her, or their Executors or Administrators, to demand the whole Amount thereof, so certified as above, from any One or more of the Persons herein made liable to the Payment thereof in the several Cases herein-before mentioned, and in case of Nonpayment thereof to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, in which Action it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them in the Sum mentioned in the said Certificate; and the said Plaintiff or Plaintiffs shall, upon filing the said Declaration, together with the said Certificate and Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course of Law: Provided always, that the Validity of such Certificate, the Handwriting of the Speaker thereunto being duly verified, shall not be called in question in any Court upon the Allegation of any Matter or Thing anterior to the Date thereof.

Recovery of Costs.

XCIII. And be it enacted, That in every Case it shall be lawful for any Person or Persons from whom the Amount of such Costs and Expences shall have been so recovered to recover in like Manner from the other Persons, or any of them, (if such there shall be,) who are liable to the Payment of the same Costs, Expences, and Fees, a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

Persons paying Costs may recover a Proportion thereof from others liable thereto.

XCIV. And be it enacted, That if any Petitioner or Petitioners who shall have entered into such Recognizance as aforesaid shall neglect or refuse, for the Space of Seven Days after Demand, to pay to any Witness who shall have been summoned on his or their Behalf before the Examiner of Recognizances, or any Committee under the Provisions of this Act, the Sums so certified as aforesaid by the Speaker to be due to such Witness, or if such Petitioner or Petitioners shall neglect or refuse, for the Space of Six Months after

Recognizances when to be estreated, &c.

after Demand, to pay to any Party who shall appear in opposition to the said Petition the Sum so certified by the Speaker as aforesaid to be due to such Officer or Party for their Costs or Expences, and that such Neglect or Refusal shall, within One Year after the granting of such Certificate, be proved to the Speaker's Satisfaction, by Affidavit sworn before any Master of the High Court of Chancery (and such Master is hereby authorized to administer such Oath, and is authorized and required to certify such Affidavit under his Hand), in every such Case such Person or Persons shall be held to have made Default in his or their said Recognizance; and the Speaker of the House of Commons shall thereupon certify such Recognizance into the Court of Exchequer, and shall also certify that such Person or Persons have made Default therein, and such Certificate shall be conclusive Evidence of such Default; and the Recognizance, being so certified, shall have the same Effect as if the same were estreated from a Court of Law: Provided always, that such Recognizance and Certificate shall in every such Case be delivered by the Clerk or one of the Clerks Assistant of the House of Commons into the Hands of the Lord Chief Baron of the Exchequer, or of one of the Barons of the Exchequer, or of such Officer as shall be appointed by the said Court to receive the same.

Returning Officer may be sued for neglecting to return any Person duly elected.

XCIV. And be it enacted, That if any Sheriff or other Returning Officer or Officers shall wilfully delay, neglect, or refuse duly to return any Person who ought to be returned to serve in Parliament for any County, City, Borough, District of Burghs, Port, or Place within *Great Britain* or *Ireland*, such Person may, in case it shall have been determined by a Select Committee appointed in the Manner herein-before directed that such Person was entitled to have been returned, sue the Sheriff or other Officer or Officers having so wilfully delayed, neglected, or refused duly to make such Return at his Election, in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, and shall recover Double the Damages he shall sustain by reason thereof, together with full Costs of Suit, provided such Action is commenced within One Year after the Commission of the Act on which it is grounded, or within Six Months after the Conclusion of any Proceedings in the House of Commons relating to such Election.

Continuance of Act; and of Proceedings commenced under it.

XCVI. And be it enacted, That this Act shall commence and take effect from the End of this present Session of Parliament, and shall continue in force until the End of the Second Session of the First Parliament which shall be called after the End of this present Parliament: Provided always, that notwithstanding the Expiration of this Act all Proceedings under the same which shall have been commenced during the Continuance thereof may be proceeded in and completed, and shall have the same Effect as if this Act had continued in force.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

Form of Recognizance.

BE it remembered, That on the _____ Day
 in the Year of our Lord _____ before me, *A. B.* (Examiner
 of Recognizances for the House of Commons), [or One of Her
 Majesty's Justices of the Peace for the County of _____],
 came *C. D.* of, &c., *E. F.* of, &c., *G. H.* of, &c., *I. K.* of, &c., and
L. M. of, &c., and severally acknowledged themselves to owe to
 our Sovereign Lady the Queen the following Sums; (that is to
 say,) the said *C. D.* the Sum of One thousand Pounds, and the
 said *E. F.* the Sum of _____ Pounds, (the said *G. H.* the
 Sum of _____ Pounds, the said *I. K.* the Sum of _____
 Pounds, and the said *L. M.* the Sum of _____ Pounds,) to
 be levied on their respective Goods and Chattels, Lands and Tene-
 ments, to the Use of our said Sovereign Lady the Queen, Her Heirs
 and Successors.

The Condition of this Recognizance is, That if the said *C. D.*
and X. Y. (*the other Petitioner, if any*), or *either of them*, shall well
 and truly pay all Costs and Expences which any Committee of the
 House of Commons selected to try the Matter of the Petition
 signed by the said *C. D.* and *X. Y.* (complaining of an undue
 Election or Return for the [here state the Place], [or (complaining
 that no Return has been made for the said _____ within
 the Time limited by Act of Parliament,) or (complaining that the
 Return made for the said _____ is not a Return of
 a Member or Members according to the Requisition of the Writ)
 or (complaining of the Special Matters contained in any such Re-
 turn)] shall adjudge to be payable by the said *C. D.* and *X. Y.*
(the other Petitioner, if any), or *either of them*, and shall also well
 and truly pay the Costs and Expences due and payable by the said
C. D. and *X. Y.* (*the other Petitioner, if any*), or *either of them*, to
 any Witness summoned in his Behalf, or to the Party who shall
 appear in opposition to the said Petition, in case the said *C. D.*
and X. Y. (*the other Petitioner, if any*), or *either of them*, shall be
 allowed to withdraw his said Petition, then this Recognizance to be
 void; otherwise to be of full Force and Effect.

C A P. LIX.

An Act to authorize for One Year, and until the End of the
 then next Session of Parliament, the Application of a
 Portion of the Highway Rates to Turnpike Roads, in
 certain Cases. [22d June 1841.]

WHEREAS an Act was passed in the Fifth and Sixth Years
 of His late Majesty, intituled *An Act to consolidate and* 5 & 6 W. 4. c. 50.
amend the Laws relating to Highways in that Part of Great
Britain called England, whereby divers Statutes passed in the
 Reign of His late Majesty King *George* the Third, relating to the
 Performance of Statute Duty, were repealed, and Statute Duty
 was thereby altogether abolished: And whereas the Revenues of
 some Turnpike Roads are so unequal to the Charge and Main-
 tenance

Justices at Special Sessions for Highways, on Proof of the Deficiency of the Funds, &c. of any Turnpike Trust, may order Payment to said Trust of a Portion of the Highway Rate.

'tenance of such Roads, after paying the Interest and Principal of the Sums due upon Mortgage of the Tolls thereof, when deprived of the Aid heretofore derived from Statute Duty, that it is necessary that some additional Provision be made for such Roads, for a limited Period:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Justices at any Special Sessions for the Highways holden after the passing of this Act, upon Information exhibited before them by the Clerk or Treasurer of any Turnpike Trust that the Funds of the said Trust are insufficient for the Repairs of the Turnpike Roads within any Parish, Notice in Writing of such intended Information having been previously given on the Part of such Clerk or Treasurer to the Parish Surveyor Twenty-one Days at least before such Special Sessions, to examine the State of the Revenues and Debts of such Turnpike Trusts, and to inquire into the State and Condition of the Repairs of the Roads within the same, and also to ascertain the Length of the Roads, including Turnpike Roads, within such Parish, and how much of such Road is Turnpike Road, and if after such Examination it shall appear to the said Justices necessary or expedient, for the Purposes of any Turnpike Road, so to do, then to adjudge and order what Portion, if any, of the Rate or Assessment levied or to be levied by virtue of the said recited Act shall be paid by the said Parish Surveyor, and at what Time or Times, to the said Commissioners or Trustees, or to their Treasurer or other Officers appointed by them on that Behalf, such Money to be wholly laid out in the actual Repairs of such Part of such Turnpike Road as lies within the Parish from which it was received.

Portion of Rate unpaid may be levied by Distress.

II. And be it enacted, That if any such Parish Surveyor shall refuse or neglect to pay over such Portion of the said Rate or Assessment at the Time or Times and in the Manner mentioned in the Order of the said Justices, the same shall and may be levied upon the Goods and Chattels of such Surveyor in such Manner as Penalties and Forfeitures are by the said recited Act authorized to be levied.

Power of Appeal to Justices at Quarter Sessions.

III. Provided always, and be it enacted, That if any Person shall think himself aggrieved by any Order, Judgment, or Determination made or by any Matter or Thing done by any Justices of the Peace at any such Special Sessions, in pursuance of this Act, such Person shall be at liberty to make his Complaint thereof by Appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the County, Riding, Division, or Place wherein the Cause of such Complaint shall arise, such Appellant first giving to such Justices Ten Days Notice in Writing of the Grounds of such Appeal, within Six Days after such Order, Judgment, or Determination shall be so made or given as aforesaid, who are hereby required, within Forty-eight Hours after the Receipt of such Notice, to return all Proceedings whatever had before them respectively touching the Matter of such Appeal to the said Justices at the General or Quarter Sessions aforesaid; and that in case of such Appeal the said Justices at the said Quarter Sessions, upon due Proof of such Notice and Statement having been given as aforesaid,

aforesaid, shall hear and determine such Appeal; and the said Justices at the said Quarter Sessions shall have Power to award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper, such Costs to be levied and recovered in the same Manner as any Penalties or Forfeitures are recoverable under the said recited Act; and no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form: Provided always, that in case there shall not be Time to give such Notice as aforesaid before the next Sessions to be holden after such Order, Determination, or Judgment, then and in every such Case such Appeal may be made to the Justices at the next following Sessions, who shall proceed to determine such Appeal in manner aforesaid: Provided always, that it shall not be lawful for the Appellant to be heard in support of such Appeal, unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statements as aforesaid.

IV. And be it enacted, That in construing this Act the Word "Parish" shall be taken to mean and include Parish, Township, Tithing, Rape, Vill, Wapentake, Division, City, Borough, Liberty, Market Town, Franchise, Hamlet, Precinct, Chapelry, or other Place or District maintaining its own Highways.

Interpretation
Clause.

V. And be it enacted, That this Act shall extend only to *England*.

Extent of Act.

VI. And be it enacted, That this Act shall continue and be in force for One Year from the passing thereof, and from thence until the End of the then next Session of Parliament.

Duration of
Act.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Amendment of
Act.

C A P. LX.

An Act to alter and amend certain Acts regulating Madhouses in *Scotland*; and to provide for the Custody of dangerous Lunatics.

[22d June 1841.]

‘ WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to regulate Madhouses in Scotland*; and another Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for altering and amending an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled ‘An Act to regulate Madhouses in ‘Scotland:’* And whereas it is expedient that the said recited Acts should be altered and amended;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Expiration of One Calendar Month after the passing of this Act, any Person who shall send or deliver, or be accessory to the sending or delivering, without a Licence for that Purpose, in Terms of the said recited Acts, any furious or fatuous Person, or any Lunatic, or any Person as such,

55 G. 3. c. 69.

9 G. 4. c. 34.

Penalty on
Persons sending
any Lunatics to
a Madhouse
without a
Licence.

to the Custody or Keeping of any Person having or keeping a House for the Reception of furious or fatuous Persons or Lunatics, whether such House shall be licensed or not: in Terms of the said recited Acts, shall for such Offence forfeit and pay a Penalty of Two hundred Pounds, and the Expences of recovering the same; and such Penalty shall be recovered and applied in such and the like Manner as Penalties are by the said first-recited Act directed to be recovered and applied.

Persons convicted of receiving Lunatics without a Licence, or the required Order, may be imprisoned in default of Penalty.

II. And be it enacted, That it shall be lawful for the Court before whom any Person who shall be convicted of keeping a House for the Reception and Care or Confinement of furious or fatuous Persons or Lunatics, or detaining therein, or of receiving, concealing, harbouring, entertaining, or confining, any furious or fatuous Person or Lunatic, or any Person as such, without a Licence for that Purpose in Terms of the said recited Acts, or who shall be convicted of receiving any furious or fatuous Person or Lunatic for Care or Confinement therein, without the Order or Licence for the Reception of such furious or fatuous Person or Lunatic required by the said recited Acts and this Act, or who shall be convicted of sending or delivering, or being accessory to sending or delivering, without a Licence for that Purpose in Terms of the said recited Acts and this Act, any furious or fatuous Person or Lunatic, or any Person as such, to the Custody or Keeping of any Person having or keeping a House for the Confinement of furious or fatuous Persons or Lunatics, either to find the Person so convicted liable in any Penalty by the said recited Acts or this Act imposed, or to find such Person liable to Imprisonment for each such Offence, for any Space not exceeding Three Calendar Months; and in case the Sentence shall be for a Penalty it shall be lawful for the Court to declare, and to grant Warrant accordingly, in the Decree, that in the event of the Penalty not being paid within a Period to be specified by the Court the Party found liable in such Penalty shall in lieu thereof be imprisoned for a Period not exceeding Three Calendar Months.

Sheriff, on Application of Procurator Fiscal, may commit dangerous Lunatics.

III. And be it enacted, That where any furious or fatuous Person or Lunatic shall have been apprehended charged with Assault or other Offence inferring Danger to the Lieges, or where any furious or fatuous Person or Lunatic being in a State threatening Danger to the Lieges shall be found at large, it shall be lawful for the Sheriff, upon Application by the Procurator Fiscal, accompanied by a Medical Certificate as to the Condition of such Person from some Medical Person, who is either a Physician or has a Diploma from the Royal College of Surgeons in *Edinburgh* or *London*, or from the Faculty of Physicians and Surgeons of *Glasgow*, or who has a Right to practise from having served in the Army or Navy, forthwith to commit such furious or fatuous Person or Lunatic unto some Place of safe Custody; and the Sheriff shall thereupon direct Notice to be given to the next of Kin (if known), or other known Relatives of such furious or fatuous Person or Lunatic, and shall also direct Notice to be given in some Newspaper circulated within the County of such Commitment, and of his Intention to inquire into the Condition of such furious or fatuous Person or Lunatic on an early Day to be named; and the Sheriff shall

shall at the Time named proceed to take Evidence of the Condition of such furious or fatuous Person or Lunatic, and upon being satisfied that he or she is furious or fatuous, or a Lunatic, and dangerous, he shall commit him or her to any private Madhouse licensed under the said recited Acts, or into any public Hospital or public Asylum willing to receive him or her; and in case there shall be no private licensed Madhouse, or public Hospital or public Asylum, within the Jurisdiction of such Sheriff, he shall commit such furious or fatuous Person or Lunatic to some licensed private Madhouse, or public Hospital or public Asylum, of some adjoining County, willing to receive him or her; and a Licence shall be granted in respect of every such Commitment to any licensed private Madhouse, as prescribed by the said recited Acts, and such furious or fatuous Person or Lunatic shall be there detained until his or her Cure, or until Caution shall be found for his or her safe Custody, in which last Case it shall be lawful for the Sheriff, upon being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the Delivery of the furious or fatuous Person or Lunatic to the Person so finding Security; and the Procurator Fiscal is hereby authorized and required to contract with the Keeper of the Madhouse, Hospital, or Asylum to whose Care such furious or fatuous Person or Lunatic is committed, for the Expence of his or her Keeping or Maintenance therein.

IV. And be it enacted, That if any furious or fatuous Person or Lunatic, in respect of whom Application shall be made to the Sheriff of any County as aforesaid, shall have his known Domicile or Settlement or usual Place of Haunt and Resort in another County, then it shall be lawful for the Sheriff, either to follow out the Provisions of this Act in regard to such furious or fatuous Person or Lunatic, or, before further proceeding, to transmit along with the said Application such furious or fatuous Person or Lunatic, in safe Custody, to the Sheriff of such other County, to whom it shall be lawful to proceed as if the Application had been made to him in the first instance.

Power to Sheriff to transmit such Lunatic to another County.

V. And be it enacted, That the Expences of the Procurator Fiscal incurred in respect of any such Application to the Sheriff (being first taxed by the Sheriff) shall be paid out of the Rogue Money of the County, and the Clerk of Supply is hereby required to pay the same, as also such Expence as may be incurred in keeping and maintaining any such furious or fatuous Person or Lunatic committed upon such Application: Provided always, that such Expence of Keeping and Maintenance, together with the Licence Duty, shall be defrayed by such furious or fatuous Person or Lunatic, if he or she has the Means of defraying the same; or if such Expence cannot, in the Opinion of the Sheriff, be immediately recovered from such furious or fatuous Person or Lunatic, or out of his or her Estate, then the same shall be defrayed by the Parish which would be liable for the Maintenance of such furious or fatuous Person or Lunatic if he or she were a Pauper; and it shall be competent to the Sheriff, at the Time of granting Warrant of Commitment to such licensed Madhouse or public Hospital or public Asylum, if such furious or fatuous Person or Lunatic shall not be known to be in the Possession of any adequate Means

Expences how to be defrayed.

Means or Estate, also to pronounce Judgment in favour of the Procurator Fiscal for such Sum as may be necessary for the Maintenance of such furious or fatuous Person or Lunatic in such licensed Madhouse or public Hospital or public Asylum, against the Parish which in the Opinion of the Sheriff would be liable, either *ad interim*, or permanently or ultimately, or with Relief for the Maintenance of such Person; which Judgment shall be final and conclusive, and not subject to Review, by Suspension, Advocation, or Reduction, or otherwise; but reserving always to the Parish paying such Sum and Expences its Recourse against all others liable therefor, as accords of Law: Provided also, that the Procurator Fiscal shall repay to the Clerk of Supply, out of the Monies so to be recovered, the Sums which such Clerk of Supply shall have advanced for the keeping and maintaining of such furious or fatuous Person or Lunatic, as herein-before provided.

Lunatic may be removed on Application by Procurator Fiscal.

VI. And be it enacted, That if the Procurator Fiscal of any County shall make Application to the Sheriff for the Removal of any furious or fatuous Person or Lunatic from any licensed Madhouse, accompanied by a Certificate of Two Medical Men, qualified as aforesaid, to the Effect that such licensed Madhouse is unfit or unsuitable for the Confinement of such furious or fatuous Person or Lunatic, it shall be lawful for the Sheriff thereupon to grant Warrant for the Removal of such furious or fatuous Person or Lunatic from such licensed Madhouse to some other licensed Madhouse or public Hospital or Asylum, either in his own or in some adjoining County: Provided always, that Intimation of the intended Application shall be given (to be proved to the Satisfaction of the Sheriff) to the Party at whose Instance such furious or fatuous Person or Lunatic was confined; and the Expences attending such Application for Removal, and of the Keeping and Maintenance of such furious or fatuous Person or Lunatic in the public Hospital or Asylum or licensed Madhouse to which he or she shall be so removed, shall be defrayed by the Party liable for the Expence of the Keeping and Maintenance of such furious or fatuous Person or Lunatic in the public Hospital, public Asylum, or licensed Madhouse from which he or she shall be so removed.

Parish Pauper Lunatics to be confined in public Hospitals.

VII. And be it enacted, That all Parish Paupers, furious or fatuous Persons or Lunatics, to be confined under the Power of the said recited Acts and this Act, shall be sent to a public Hospital or public Asylum, unless the Sheriff, on Cause shown to his Satisfaction, shall be of opinion, that in the special Circumstances of the Case it is more expedient to commit any such Parish Pauper, furious or fatuous Person or Lunatic, to a licensed Madhouse.

If no public Hospital in the County, the Sheriff may send Lunatics to an adjoining County.

VIII. And be it enacted, That it shall be lawful for any Sheriff, in whose County there shall be no public Hospital or public Asylum, to authorize the Confinement of any furious or fatuous Person or Lunatic in a public Hospital or public Asylum or licensed Madhouse of any adjoining County: Provided always, that in the Case of a Parish Pauper, furious or fatuous Person or Lunatic, proposed to be so sent to any licensed Madhouse, the Consent of the Sheriff of the County in which such licensed Madhouse is situated shall be first had and obtained thereto.

IX. And

IX. And be it enacted, That the Death of any furious or fatuous Person or Lunatic in any licensed Madhouse shall, within Twenty-four Hours after the same shall have happened, be intimated in Writing by the Person keeping such Madhouse to the Sheriff of the County in which the same is situated, accompanied by a Certificate from the Medical Person who shall have attended such deceased Person, setting forth the Nature of the Disease occasioning the Death, how long such Disease had continued, and when such Medical Person was first required to give special Attendance upon the Deceased, and how often he thereafter visited him or her; and such Certificate shall also set forth whether any undue Delay had occurred in calling for the Assistance of such Medical Person; and any Person, keeping or in the Care and Management of any licensed Madhouse, failing to make such Intimation, shall be liable in a Penalty not exceeding Twenty Pounds, and in default of Payment of such Penalty the Defaulter shall be liable to Imprisonment, by Warrant of the Sheriff, for any Period not exceeding Three Calendar Months.

Death of Lunatic to be intimated.

X. And be it enacted, That in every licensed Madhouse there shall be regularly kept a Book, to be intituled "Madhouse Register," in which shall be distinctly set forth all the Particulars relating to every furious or fatuous Person or Lunatic who shall be received or detained in such Madhouse enumerated in the Schedule hereunto annexed.

Register to be kept.

XI. And be it enacted, That such Register Book, exhibiting all such Particulars up to the latest possible Date, shall, after being carefully sealed up, be transmitted, on or before the Fifth Day of *January* in each Year, to the Sheriff Clerk of the County in which such licensed Madhouse is situated, or if any such Madhouse shall be given up or discontinued as such during the Currency of the Year, then within a Week of the giving up or discontinuing the same; and any Keeper of any such Madhouse, disregarding or neglecting any of these Provisions, either as to the keeping of such Register, or duly transmitting the same, shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds.

Register Book to be transmitted yearly to the Sheriff Clerk.

XII. And be it enacted, That the Sheriff Clerk of every County receiving such Register Book shall, without breaking the Seals affixed thereto, exhibit the same to the Sheriff, who, after making such Examination thereof as he may deem proper, shall again seal up such Register Book, and shall cause the same to be preserved in the Sheriff Clerk's Office; and it is hereby specially provided that such Seals shall not be broken, or any Inspection of the Contents of such Register Book take place, without any Cause shown to the Satisfaction of the Sheriff, or without his written Authority; and any Person removing any such Seals, or taking or admitting to be taken any Inspection of the Contents of such Register Book, without such written Authority, shall be liable in a Penalty not exceeding Twenty Pounds.

Register Book to be preserved.

XIII. And be it enacted, That where it shall appear, from the annual Accounts rendered by the Sheriff of the Expences incurred by his Direction in carrying the said recited Acts and this Act into effect, that the Monies received by the Sheriff Clerk for Licences granted under the said Acts, together with the Monies received

Fees of Licences may be diminished.

received by the Procurator Fiscal for Penalties imposed by virtue of the said recited Acts and of this Act, exceed the Sums required for carrying the same into execution, it shall be lawful for the Sheriff and he is hereby required from Time to Time to take and direct to be taken for each of such Licences such smaller Sum as will in his Estimation be adequate to defray such Expences, and no more; and thereafter, if such smaller Sum shall not be found to prove adequate, again to raise the same to such Sum as shall in his Estimation be adequate to meet such Expences, and no more; such Sum in no Case to exceed the Sums authorized to be taken by the said recited Acts and this Act.

Recited Acts to
apply to this.

XIV. And be it enacted, That the said recited Acts shall apply to and be interpreted with this Act for the more effectually in all respects carrying the same into execution.

Act may be
amended, &c.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE referred to in the Act.

FORM of REGISTER to be kept in all licensed MADHOUSES in
SCOTLAND.

House, where situated, and by whom kept.	Names and Designations of Individuals confined.	Date of Reception.	At whose Instance confined, and on whose Medical Certificate.	Whether supposed curable or incurable.	Date of Removal or Discharge, and Authority for either.	Date of Death.	Disease or Cause of Death, and Duration of Disorders.	Name of Medical Practitioner; when first called to give special Attendance, and how often he afterwards visited the Deceased.	Place of Burial.

C A P. LXI.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quarter-masters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and forty-two.

[22d *June* 1841.]

[*This Act is the same, except as to Dates, as 3 & 4 Vict. c. 70.*]

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

N.B.—*The Continuance of such of the following Acts as are temporary will be known (where it is not expressly stated) by referring to the following List, according to the corresponding Letter at the End of the Title.*

(a) *For 31 Years, &c. [i. e. to the End of the next Session] from a Day named in the Act.*

(b) *For 31 Years, &c. from the passing of the Act.*

The following are all PUBLIC ACTS; to each of which is annexed a Clause in the Form following:

“ And be it further enacted, That this Act shall be deemed
“ and taken to be a Public Act, and shall be judicially taken
“ notice of as such.”

Cap. i.

An Act to amend the Acts relating to the *London and South-western Railway Company.* [30th March 1841.]

[*Powers of 4 & 5 W. 4. c. lxxxviii. 7 W. 4. & 1 Vict. c. lxxi. and 2 & 3 Vict. c. xxviii. (except as altered) extended to this Act, § 1.*]

Cap. ii.

An Act to enable the *Preston and Longridge Railway Company* to raise a further Sum of Money. [30th March 1841.]

[*Powers of 6 & 7 W. 4. c. cxxii. (except as altered) extended to this Act, § 1.*]

Cap. iii.

An Act to alter and amend the Powers and Provisions of an Act passed in the Seventh Year of the Reign of King *William the Fourth*, intituled *An Act for better paving, cleansing, lighting, watching, and improving the Town of Whitby in the North Riding of the County of York*; and to allow a Drawback in certain Cases from the Duties thereby granted.

[30th March 1841.]

[*Powers of 7 W. 4. & 1 Vict. c. x. (except as altered) extended to this Act, § 1.*]

Cap. iv.

An Act for regulating Legal Proceedings by or against the *York and London Assurance Company*. [30th March 1841.]

Cap. v.

An Act to enable “The *Glasgow, Paisley, and Greenock Railway Company*” to raise a further Sum of Money; and to amend and enlarge the Powers and Provisions of the Acts relating to the said Railway. [6th April 1841.]

[Powers of 7 W. 4. & 1 Vict. c. cxvi. and 3 & 4 Vict. c. cvii. (except as altered) extended to this Act, § 1.]

Cap. vi.

An Act to enable the *Durham and Sunderland Railway Company* to raise a further Sum of Money; and for amending the Acts for making the said Railway. [6th April 1841.]

[Powers of 4 & 5 W. 4. c. xcvi. and 7 W. 4. & 1 Vict. c. lxxvii. (except as altered) extended to this Act, § 1.]

Cap. vii.

An Act to enable the *York and North Midland Railway Company* to raise a further Sum of Money; to make a certain Approach to the said Railway; and to amend the Acts relating thereto. [6th April 1841.]

[Powers of 6 & 7 W. 4. c. lxxxii. and 7 W. 4. & 1 Vict. c. lxxviii. (except as altered) extended to this Act, § 1.]

Cap. viii.

An Act to enable the Company of Proprietors of the *Manchester and Salford Waterworks* to raise a further Sum of Money; and to amend the Acts relating thereto. [6th April 1841.]

[Powers of 49 G. 3. c. xcii. 53 G. 3. c. xx. 56 G. 3. c. xii. 1 & 2 G. 4. c. xlvii. and 4 G. 4. c. cxv. (except as altered) extended to this Act, § 1.]

Cap. ix.

An Act for regulating Legal Proceedings by or against the *Britannia Life Assurance Company*. [10th May 1841.]

Cap. x.

An Act to amend the Acts relating to the *Chard Canal*. [10th May 1841.]

[Powers of 4 & 5 W. 4. c. liii. and 3 & 4 Vict. c. i. (except as altered) extended to this Act, § 1. Saving the Rights of the Lord of the Manor to shoot Game, &c. on the Reservoir, § 7.]

Cap. xi.

An Act for enabling the *Wishaw and Coltness Railway Company* to raise a further Sum of Money. [10th May 1841.]

[Powers of 10 G. 4. c. cvii. 4 & 5 W. 4. c. xli. 7 W. 4. & 1 Vict. c. c. and 2 & 3 Vict. c. lviii. (except as altered) extended to this Act, § 1.]

Cap. xii.

An Act for granting further Powers to the *London and Blackwall* Railway Company. [10th May 1841.]

[*Powers of 6 & 7 W. 4. c. cxiii. 7 W. 4. & 1 Vict. c. cxxiii. and 2 & 3 Vict. c. xcv. (except as altered) extended to this Act, § 1.*]

Cap. xiii.

An Act for granting further Powers to the *North Midland* Railway Company. [10th May 1841.]

[*Powers of 6 & 7 W. 4. c. cvii. 7 W. 4. & 1 Vict. c. xxiii. and 2 & 3 Vict. c. liii. (except as altered) extended to this Act, § 1.*]

Cap. xiv.

An Act to amend and enlarge some of the Provisions of the Acts relating to the *Eastern Counties* Railway, and to authorize the Company to raise a further Sum of Money for the Purposes of the said Undertaking. [10th May 1841.]

[*Powers of 6 & 7 W. 4. c. cvi. and 1 & 2 Vict. c. lxxxi. (except as altered) extended to this Act, § 1.*]

Cap. xv.

An Act for better lighting with Gas the Borough of *Derby* and several Parishes and Places adjacent thereto. [10th May 1841.]

Cap. xvi.

An Act for improving certain Parts of the Townships of *Bilton with Harrowgate* and *Pannal*, called *High* and *Low Harrowgate*, in the West Riding of the County of *York*; for protecting the Mineral Springs and regulating the Stinted Pasture in the said Townships. [10th May 1841.]

Cap. xvii.

An Act for the Administration of the Poor Laws in the Parish of *Saint Luke Chelsea* in the County of *Middlesex*, and relating to the Highways in the said Parish. [10th May 1841.]

Cap. xviii.

An Act for the more effectual Preservation and Improvement of the Fisheries in the River *Annan* in the County of *Dumfries*, and in the Streams and Waters running into the same, and on the Shores or Sea Coast adjacent to the Mouth or Entrance of the said River. [10th May 1841.]

Cap. xix.

An Act for more effectually repairing and improving certain Roads passing through or near the Town of *Ilminster* in the County of *Somerset*. (a) [10th May 1841.]

[9 G. 4. c. 1. repealed, § 1. One full Toll only to be taken for passing and repassing on same Day through all the Gates on either of the Districts, § 12. Lime for Manure exempted from Toll, § 16. No more Money to be laid out on Roads than is collected thereon, § 19. Tolls not to be laid out in repairing Streets, &c., § 20.]

Cap. xx.

An Act for maintaining certain Roads in the County of *Cambridge*, to be called "*The Stumpcross Roads.*" (a)

[10th May 1841.]

[30 G. 3. c. 94. and 53 G. 3. c. xciv. repealed, § 1. One full Toll only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 11. No more Money to be laid out on Roads than is collected thereon, § 21.]

Cap. xxi.

An Act for repairing several Roads leading from the Town of *Barnstaple* in the County of *Devon*, and for making several new Lines of Road connected therewith. (a)

[10th May 1841.]

[7 & 8 G. 4. c. xiv. repealed, § 1. Two full Tolls only to be taken on same Day on the Road from *Barnstaple* to *Kerscott Hill*, and Three Tolls only from *Barnstaple* to *Chulmleigh*, and Four only from *Barnstaple* to *Eggesford Bridge*, and Two only from *Barnstaple* to *Bideford* and *Torrington*, and from *Bideford* to *Torrington*, and from *Barnstaple* to *Ilfracombe*, and One Toll only from *Barnstaple* to *Braunton*, and from *Pilton* to *Sherwill Cross*, and from *Barnstaple* to *Bratten Fleming*, and on the Roads East of *Barnstaple*, § 21. No more Money to be laid out on Roads than is collected thereon, § 36. Tolls not to be laid out in repairing Streets, § 37.]

Cap. xxii.

An Act for more effectually repairing the Road from the Western Side of the *New Forest* near *Christchurch* to the Boundary of the Parish of *Lyndhurst*, all in the County of *Hants.* (a)

[10th May 1841.]

[One full Toll only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 19. Tolls on Lime or Chalk for Manure may be reduced, § 23. Tolls not to be laid out in repairing Streets, § 26.]

Cap. xxiii.

An Act for making a Turnpike Road from *Wimborne Minster* in the County of *Dorset* to *Piddletown* in the same County, with certain Branches therefrom. (b)

[10th May 1841.]

[Two Tolls only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 26. Tolls to be paid but once a Day at same Gate, § 27. Double Toll to be paid for Timber, Hop Poles, &c: between the 1st November and 1st April, § 30. No Exemption allowed for Lime, Ashes, &c., § 31. Tolls not to be laid out in improving Towns, § 33. No more Money to be laid out in repairing Roads than is collected thereon, § 35. 11 G. 4. & 1 W. 4. c. ci. in part repealed, § 39.]

Cap. xxiv.

An Act to enable the *Northern and Eastern Railway Company* to make certain Deviations in the Line of their Railway, and to alter and amend the several Acts relating to the said Railway.

[18th May 1841.]

[Powers of 6 & 7 W. 4. c. ciii. 2 & 3 Vict. c. lxxvii. and c. lxxviii. and 3 & 4 Vict. c. lii. (except as altered) extended to this Act, 4 & 5 VICT. U § 1.

§ 1. *Saving the Rights of the Eastern Counties Railway Company, § 32.*

Cap. xxv.

An Act for enabling the *Manchester and Leeds Railway Company* to raise a further Sum of Money. [18th May 1841.]

[*Powers of 6 & 7 W. 4. c. cxi. 7 W. 4. & 1 Vict. c. xxii. and 2 & 3 Vict. c. lv. (except as altered) extended to this Act, § 1.*]

Cap. xxvi.

An Act to enable the *West Durham Railway Company* to raise a further Sum of Money; and to amend the Act relating to the said Railway. [18th May 1841.]

[*Powers of 2 & 3 Vict. c. lxxi. (except as altered) extended to this Act, § 1.*]

Cap. xxvii.

An Act to light with Gas and supply with Water the Townships of *Old and New Accrington* and *Church* in the County Palatine of *Lancaster*. [18th May 1841.]

Cap. xxviii.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act for lighting with Gas the Port and Town of *Liverpool* and Township of *Toxteth Park* in the County of *Lancaster*; and for lighting with Gas the several Townships of *West Derby, Everton, Kirkdale, Walton-on-the-Hill, Bootle cum Linacre, Litherland, Great Crosby, Wavertree, and Garston*, in the County of *Lancaster*. [18th May 1841.]

[*Powers of 58 G. 3. c. lxvi. (except as altered) extended to this Act, § 1. Saving the Rights of the Liverpool and Harrington Waterworks Company, § 68.; and of the Liverpool and Manchester Railway Company, § 69.; and of the Liverpool New Gas and Coke Company, § 70.*]

Cap. xxix.

An Act for enlarging the Powers of the Acts for building a Bridge over the River *Avon*, from *Clifton* to the opposite Side of the River in the County of *Somerset*. [18th May 1841.]

[*Powers of 11 G. 4. c. lxix. and 6 & 7 W. 4. c. vi. (except as altered) extended to this Act, § 1.*]

Cap. xxx.

An Act for enabling the Trustees of the *Liverpool Docks* to erect Transit Sheds on the West Quay of the *Prince's Dock*, to make a Wet Dock with Warehouses on the Quays, and to construct other Works, and to raise a further Sum of Money; and for enlarging the Powers of the Acts relating to the Docks and Harbour of *Liverpool*; and for other Purposes relating thereto. [18th May 1841.]

[*Powers of 8 Ann. c. 12. 3 G. 1. c. 1. 11 G. 2. c. 32. 2 G. 3. c. 86. 25 G. 3. c. 15. 39 G. 3. c. lix. 51 G. 3. c. cxliii. 53 G. 3. c. clvi. 59 G. 3. c. xxx. 6 G. 4. c. clxxxvii. 9 G. 4. c. lv. and c. cxiv. and 11 G. 4. & 1 W. 4. c. xiv. (except as altered) extended to this*

this Act, § 1. Saving the Rights of the Corporation of Liverpool, § 138. General Saving of Rights, § 139.]

Cap. xxxi.

An Act to repeal certain of the Provisions of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, for improving Parts of the Line of Road between the Borough of *Plymouth* and the City of *Exeter*, through *Ashburton* and *Chudleigh*, in the County of *Devon*. [18th May 1841.]

[1 G. 4. c. xxi. in part repealed, and Powers of 7 G. 4. c. xxv. 1 & 2 W. 4. c. lxii. and 3 & 4 Vict. c. lxxxii. (except as altered) extended to this Act, § 1. Tolls not to be laid out in repairing Streets, § 6. Act to commence on the 1st July, and continue in force for the Term granted by 7 G. 4.,—§ 9.]

Cap. xxxii.

An Act for repairing the Road leading from *Brent Bridge* in the County of *Devon* to *Gasking Street* in or near the Borough of *Plymouth* in the said County. (a) [18th May 1841.]

[31 G. 2. c. 51. 17 G. 3. c. 81. 39 & 40 G. 3. c. vi. 54 G. 3. c. lii. and 1 G. 4. c. xxi. repealed, § 1. Three Tolls only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 12. No Tolls to be taken or Money laid out in Towns, § 19.]

Cap. xxxiii.

An Act for more effectually repairing the Road from *Cranford Bridge* to *Maidenhead Bridge*, with Roads thereout to *Eton Town End* and to the *Great Western Railway*, and from *Langley Broom* to *Datchet Bridge*, all in the Counties of *Middlesex* and *Bucks*. (a) [18th May 1841.]

[7 G. 4. c. cxxxii. repealed, § 1. One Toll only to be taken on same Day for passing and repassing through all the Gates on the Road, § 22. Timber, &c. to pay Double Toll between 1st November and 1st April, § 26. Trustees may reduce Tolls for Lime or Chalk for Manure, § 27. No more Money to be laid out in repairing Roads than is collected thereon, § 31. No Tolls to be taken or laid out in Towns, § 32.]

Cap. xxxiv.

An Act for repairing the Roads from *Coventry* to *Warwick*, and from *Coventry* to *Martyn's Gutter* in the County of the City of *Coventry* and in the County of *Warwick*, and other Roads communicating therewith, in the said County of *Warwick*. (a) [18th May 1841.]

[57 G. 3. c. iv. repealed, § 1. Lime or Chalk for Manure exempted from Toll, § 23. Two Tolls only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 25. No more Money to be laid out on Roads than is collected thereon, § 31. No Tolls to be taken or Money laid out in Towns, § 32.]

Cap. xxxv.

An Act for more effectually repairing and improving the Road from *Market Harborough* in the County of *Leicester* to *Brampton* in the County of *Huntingdon*. (a) [18th May 1841.]

[25 G. 2 c. 57. 27 G. 2. c. 28. 39 G. 3. c. 1. and 1 G. 4. c. lxxx. repealed, § 1. Two Tolls only to be taken for passing and re-passing once on same Day between *Market Harborough* and *Kettering*, and between *Kettering* and *Thrapston*, and between *Thrapston* and *Brampton*, § 11. Timber, &c. to pay Double Toll between 1st November and 1st April, § 15. Tolls for Lime or Chalk for Manure may be reduced, § 16. No Tolls to be taken or Money laid out in Towns, § 19.]

Cap. xxxvi.

An Act for repressing Juvenile Delinquency in the City of *Glasgow*. [21st June 1841.]

Cap. xxxvii.

An Act for completing and maintaining a new Church in *Birkenhead* in the County of *Chester*. [21st June 1841.]

[*Saving the Rights of the Bishop of Chester*, § 36.]

Cap. xxxviii.

An Act for amending and enlarging the Provisions of the several Acts relating to the *Great North of England Railway Company*, and for other Purposes relating thereto. [21st June 1841.]

[*Powers of 6 & 7 W. 4. c. cv. 7 W. 4. & 1 Vict. c. cii. and 2 & 3 Vict. c. xl. (except as altered) extended to this Act, § 1.*]

Cap. xxxix.

An Act to amend the Acts relating to the *London and South-western Railway Company*; and to authorize an Agreement between the said Company and certain Inhabitants of *Wandsworth* and *Battersea* respecting an alleged Loss in their Supply of Water. [21st June 1841.]

[*Powers of 4 & 5 W. 4. c. lxxxviii. 7 W. 4. & 1 Vict. c. lxxi. 2 & 3 Vict. c. xxviii. and 4 & 5 Vict. c. i. (except as altered) extended to this Act, § 1.*]

Cap. xl.

An Act for extending, enlarging, and amending some of the Provisions of the Act relating to the *Great Leinster and Munster Railway*. [21st June 1841.]

[*Powers of 7 W. 4. & 1 Vict. c. civ. (except as altered) extended to this Act, § 1.*]

Cap. xli.

An Act for extending and enlarging some of the Provisions of the Acts relating to the *Bristol and Exeter Railway*. [21st June 1841.]

[*Powers of 6 & 7 W. 4. c. xxxvi. 1 & 2 Vict. c. xxvi. and 3 & 4 Vict. c. xlvii. (except as altered) extended to this Act, § 1.*]

Cap. xlii.

An Act to enable the *Northern and Eastern Railway Company* to make a Branch Line of Railway; and to alter and amend the several Acts relating to the said Railway. [21st June 1841.]

[*Powers of 6 & 7 W. 4. c. ciii. 2 & 3 Vict. c. lxxvii. and c. lxxviii. 3 & 4 Vict. c. lii. and 4 & 5 Vict. c. xxiv. (except as altered) extended to this Act, § 1. Saving the Rights of the Trustees of the River Lea, § 26.; and of the Eastern Counties Railway, § 30.*]

Cap. xliii.

An Act for making a Railway to be called the *Wilsontown, Morningside, and Coltness Railway*, in the Counties of *Lanark* and *Linlithgow*. [21st June 1841.]

Cap. xliv.

An Act to alter, amend, and enlarge the Powers granted to the *Newcastle-upon-Tyne and Carlisle Railway Company*; and to authorize Alterations in the Line of the Railway.

[21st June 1841.]

[*Powers of 10 G. 4. c. lxxii. 2 & 3 W. 4. c. xcii. 5 & 6 W. 4. c. xxxi. and 1 & 2 Vict. c. xxiii. (except as altered) extended to this Act, § 1. Saving of Tolls of the Corporation of Newcastle-upon-Tyne, § 37.*]

Cap. xlv.

An Act for improving and regulating the Markets within the City and Borough of *Wells* in the County of *Somerset*.

[21st June 1841.]

[19 G. 3. c. 31. in part repealed, § 1.]

Cap. xlv.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for regulating the Market in the Town of Exmouth in the County of Devon*. [21st June 1841.]

[*Powers of 1 & 2 Vict. c. v. extended to this Act, § 1.*]

Cap. xlvii.

An Act to alter and amend an Act passed in the Thirteenth Year of the Reign of King *George the Third*, for the better Regulation of Pilots and Bridgemen, and for laying down Moorings and preventing Mischief by Fire, in the Port of *King's Lynn*.

[21st June 1841.]

[*Powers of 13 Geo. 3. c. 30. (except as altered) extended to this Act, § 1. Vessels in Her Majesty's Service, or in the Employ of the Ordnance, Customs, Excise, Post Office, and Trinity House exempted from Duties, § 32. Saving the Rights of the Duchy of Cornwall, § 65.; and of the Corporation of King's Lynn, § 66.*]

Cap. xlviii.

An Act to amend an Act for the Formation of a new Cut or Channel, and for otherwise more effectually improving the Port and Harbour of *Belfast*. [21st June 1841.]

[7 W. 4. & 1 Vict. c. lxxvi. and 1 & 2 W. 4. c. 24. and c. 33. recited, § 1. Powers of the first-recited Act (except as altered) extended to this Act, § 12.]

Cap. xlix.

An Act for maintaining *Gourdon* Harbour in the County of *Kincardine*. [21st June 1841.]

[*Vessels returning from Stress of Weather, &c. not again liable to Rates*, § 3. *Saving the Rights of Viscount Arbutnot*, § 57.]

Cap. l.

An Act for making and maintaining a Harbour at *Scrabster Roads* in the Bay of *Thurso* and County of *Caithness*, and Road thereto. [21st June 1841.]

[*Vessels in Her Majesty's Service, or in the Employ of the Customs or Excise, Ordnance, and Post Office, exempted from Duties*, § 79.]

Cap. li.

An Act for authorizing the *Newport Dock Company* to raise an additional Sum of Money; and to amend the Acts relating thereto. [21st June 1841.]

[*Powers of 5 & 6 W. 4. c. lxxv. and 2 & 3 Vict. c. lxxiv. (except as altered) extended to this Act*, § 1.]

Cap. lii.

An Act to enable the *Ipswich Dock Commissioners* to raise a further Sum of Money. [21st June 1841.]

[*Powers of 7 W. 4. & 1 Vict. c. lxxiv. (except as altered) extended to this Act*, § 1.]

Cap. liii.

An Act for making a Pier in the Parish of *Portbury* in the County of *Somerset*, with Works and Approaches connected therewith. [21st June 1841.]

[*Vessels returning from Stress of Weather, &c. not again liable to Rates*, § 157. *Saving the Rights of the Bristol Dock Company*, § 185. *Vessels in Her Majesty's Service, or in the Employ of the Customs, Excise, Ordnance, Trinity House, Property of the Crown under Seizure, and Articles shipped or landed for the Public Service, exempted from Rates*, § 217. *Saving the Rights of the Corporation of Bristol and Society of Merchant Venturers*, § 218.]

Cap. liv.

An Act to enable the *Monkland Canal Company* to raise a further Sum of Money. [21st June 1841.]

[*Powers of 10 G. 3. c. 105. 30 G. 3. c. 73. and 53 G. 3. c. lxxv. (except as altered) extended to this Act*, § 1.]

Cap. lv.

An Act to consolidate, amend, and enlarge the Powers and Provisions of the several Acts relating to the *Forth and Clyde* Navigation. [21st June 1841.]

[*Recited Acts wholly or in part repealed*, § 1. *Vessels in Her Majesty's Service, or in the Employ of the Ordnance, Customs, Excise, or Post Office, exempted from Rates*, § 206. *Saving the Rights of certain Landowners*, § 274; and of the *Edinburgh and Glasgow Railway Company*, § 275.; and of the *River Clyde Act*, § 277.]

Cap. lvi.

An Act to extend and amend the Acts relating to the *Newry* Navigation. [21st June 1841.]

[10 G. 4. c. cxxvi. and 6 & 7 W. 4. c. lxxi. *recited*, § 1.]

Cap. lvii.

An Act to repeal an Act passed in the Sixteenth Year of the Reign of His Majesty King *George* the Third, for the Encouragement and Improvement of the *Pilchard* Fishery carried on within the Bay of *Saint Ives* in the County of *Cornwall*; and to make other Provisions in lieu thereof. [21st June 1841.]

[16 G. 3. c. 36. *repealed*, § 1.]

Cap. lviii.

An Act for draining certain Fen Lands and Low Grounds in the Parish of *Burwell* in the County of *Cambridge*, and for improving the Navigation of the Lodes or Navigable Cuts passing through the same. [21st June 1841.]

[*Corn, Hay, Sedge, Fodder, Reed, Bricks, Tiles, Turves, or other Produce grown or manufactured upon the Fen Lands and Low Grounds within the Limits of the Act, and carried on the Lode from the Fen Lands to Owners or Occupiers in Burwell—Manure so carried for the Use of Lands within the said Parish of Burwell—Draining Tiles manufactured in the Fen, whether carried out of the Parish or not—Building and Draining Materials, &c. used within the Limits of the Act, or under the Jurisdiction of the Bedford Level Corporation, or of the Commissioners of the South Level of the Fens, or of the Commissioners acting under this Act—exempted from Toll*, § 140. *Tolls to be paid but once a Day*, § 141. *Saving the Rights of the Bedford Level Corporation and of the Commissioners of South Level*, § 181.; and of the *Commissioners of Woods and Forests*, § 182. *General Saving*, § 183.]

Cap. lix.

An Act for amending the several Acts relating to the *Edinburgh and Glasgow* Union Canal, and for enlarging the *Cobbinshaw* Reservoir. [21st June 1841.]

[*Powers of 57 G. 3. c. lvi. 59 G. 3. c. xxix. 1 & 2 G. 4. c. cxxii. 4 G. 4. c. xviii. and 7 G. 4. c. xlv. (except as altered) extended to this Act*, § 1. *Saving the Rights of the Edinburgh and Glasgow Railway Company*, § 26.]

Cap. lx.

An Act to amend an Act of Her present Majesty for making and maintaining a Reservoir at *Deanhead* in the Parish of *Huddersfield* in the West Riding of the County of *York*.

[21st June 1841.]

[*Powers of 1 & 2 Vict. c. lxiv. (except as altered) extended to this Act, § 1.*]

Cap. lxi.

An Act to enable the *Wakefield Waterworks Company* to raise a further Sum of Money.

[21st June 1841.]

[*Powers of 7 W. 4. & 1 Vict. c. lv. (except as altered) extended to this Act, § 1.*]

Cap. lxii.

An Act for supplying *Birkenhead* and other Townships in the Hundred of *Wirrall* in the County of *Chester* with Gas; and for supplying *Birkenhead* aforesaid with Water.

[21st June 1841.]

Cap. lxiii.

An Act to establish a general Cemetery for the Interment of the Dead in the Parishes of *Saint Dunstan Stepney* and *Saint Leonard Bromley* in the County of *Middlesex*.

[21st June 1841.]

Cap. lxiv.

An Act for further extending the Powers of several Acts for enabling the Commissioners of Wide Streets, *Dublin*, to widen and improve certain Ways, Streets, and Passages in the City and County of *Dublin*, and for raising Funds to enable the said Commissioners to carry the same into execution.

[21st June 1841.]

[*Powers of 31 G. 2. (I.) and 7 W. 4. & 1 Vict. c. cxxvii. (except as altered) extended to this Act, § 1.*]

Cap. lxv.

An Act to alter, amend, and enlarge some of the Powers and Provisions of the Acts for paving and otherwise improving certain Streets in the Parish of *Saint Pancras* in the County of *Middlesex*.

[21st June 1841.]

[*Powers of 41 G. 3. c. cxxxi. 43 G. 3. c. cxxxix. and 55 G. 3. c. xxv. (except as altered) extended to this Act, § 8.*]

Cap. lxvi.

An Act for amending an Act passed in the Twenty-seventh Year of the Reign of King *George* the Third, for paving, cleansing, lighting, and watching the Streets and other public Passages and Places within the Walls of the City of *Canterbury* and the Liberties thereof, and other Places near the said City.

[21st June 1841.]

[*Powers of 27 G. 3. c. 14. (except as altered) extended to this Act, § 1.*]

Cap. lxvii.

An Act for paving, gravelling, lighting, cleansing, draining, and improving the Hamlet of *Kentish Town* and its Vicinity in the Parish of *Saint Pancras* in the County of *Middlesex*.

[21st June 1841.]

[57 G. 3. c. xiv. repealed, § 1. *Saving the Rights of the Commissioners of Sewers for Westminster*, § 141.; and of the Commissioners for the *Holborn and Finsbury Divisions*, *Saint Leonard Shoreditch* and *Norton Falgate*, § 142.; and of the Commissioners of the *Camden Estate*, § 143.; and of the *Metropolis Roads Commissioners*, § 144.]

Cap. lxviii.

An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Middlesbrough* and the Neighbourhood thereof in the North Riding of the County of *York*, and for establishing a Market therein.

[21st June 1841.]

[*Saving the Rights of the Tees Navigation Company*, § 284.; and of the *Bishop of Durham*, § 285.; and of *Thomas Hustler, Esquire*, § 286. *General Saving*, § 287.]

Cap. lxix.

An Act for paving, cleansing, and otherwise improving the Town and Borough of *Stamford* in the Counties of *Lincoln* and *Northampton*.

[21st June 1841.]

[*Saving the Rights of the Lord of the Manor of Stamford and St. Martin's*, § 206.; and of the Owners of the *Waterworks*, § 207.; and of the *Stamford Gas Company*, § 208.]

Cap. lxx.

An Act to authorize and provide for certain Improvements in the Town and Parish of *Walton-le-Soken* otherwise *Walton-on-the-Naze* in the County of *Essex*.

[21st June 1841.]

Cap. lxxi.

An Act to alter and extend an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for regulating and improving the Borough of Newcastle-upon-Tyne*.

[21st June 1841.]

[*Powers of 7 W. 4 & 1 Vict. c. lxxii. (except as altered) extended to this Act*, § 1.]

Cap. lxxii.

An Act for better assessing and collecting the Poor Rates in the Borough of *Kidderminster* in the County of *Worcester*.

[21st June 1841.]

[*Saving of Municipal and Parochial Franchises*, § 15.]

Cap. lxxiii.

An Act for the more easy and speedy Recovery of Small Debts within the City and County of the City of *Exeter*.

[21st June 1841.]

[*Saving the Rights of Lords of Manors*, § 86.]

Cap. lxxiv.

An Act for extending the Jurisdiction of the *Hatfield* Court of Requests to certain Places in the West Riding of the County of *York* and in the Counties of *Lincoln* and *Nottingham*.

[21st June 1841.]

[*Powers of 2 & 3 Vict. c. xcvi. (except as altered) extended to this Act, § 2.*]

Cap. lxxv.

An Act to extend the Jurisdiction of the *Kingsnorton* Court of Requests, and to amend the Act relating thereto.

[21st June 1841.]

[*Powers of 3 & 4 Vict. c. lxi. (except as altered) extended to this Act, § 1.*]

Cap. lxxvi.

An Act for the more easy and speedy Recovery of Small Debts within the Town and Borough of *Launceston* and other Places in the Counties of *Cornwall* and *Devon*.

[21st June 1841.]

[*Saving of Manorial Rights, § 87.*]

Cap. lxxvii.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Blackburn* and other Places in the County of *Lancaster*.

[21st June 1841.]

[*Saving of Manorial Rights, § 86.*]

Cap. lxxviii.

An Act for the more easy and speedy Recovery of Small Debts within the Town and Borough of *Wigan* and the Towns of *Chorley* and *Ormskirk*, and other Places therein mentioned, in the County Palatine of *Lancaster*.

[21st June 1841.]

[*Saving of Manorial Rights, § 87.*]

Cap. lxxix.

An Act to amend an Act of Her present Majesty, for the more easy and speedy Recovery of Small Debts within the Borough of *Newark* and other Places in the Counties of *Nottingham* and *Lincoln*.

[21st June 1841.]

[*Powers of 2 & 3 Vict. c. xcix. (except as altered) extended to this Act, § 1. Saving of Manorial Rights, § 14.*]

Cap. lxxx.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Totnes* in the County of *Devon*, and other Places in the said County.

[21st June 1841.]

[*Saving of Manorial Rights, § 87.*]

Cap. lxxxi.

An Act for the more easy and speedy Recovery of Small Debts within and adjoining the District called *The Staffordshire Potteries*.

[21st June 1841.]

[*Saving of Manorial Rights, § 86 & 87.*]

Cap. lxxxii.

An Act for the more easy and speedy Recovery of Small Debts within the Towns of *Saint Helens* and *Prescot*, and Places adjacent, in the County Palatine of *Lancaster*. [21st June 1841.]

[*Saving of Manorial Rights*, § 88.]

Cap. lxxxiii.

An Act for the more easy and speedy Recovery of Small Debts within the Towns of *Burnley* and *Colne* and Places adjacent in the County Palatine of *Lancaster*. [21st June 1841.]

[*Saving of Manorial Rights*, § 87.]

Cap. lxxxiv.

An Act for the more easy and speedy Recovery of Small Debts within the City and Borough of *New Sarum* and other Places in the Counties of *Wilts*, *Hants*, and *Dorset*. [21st June 1841.]

[*Saving of Manorial Rights*, § 88.]

Cap. lxxxv.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *New Sleaford* in the County of *Lincoln*, and other Places in the same County. [21st June 1841.]

[*Saving of Manorial Rights*, § 86.]

Cap. lxxxvi.

An Act for the more easy and speedy Recovery of Small Debts within the Town of *Gainsburgh* in the County of *Lincoln*, and other Places in the Counties of *Lincoln* and *Nottingham*.

[21st June 1841.]

[*Saving of Manorial Rights*, § 89.]

Cap. lxxxvii.

An Act for the more easy and speedy Recovery of Small Debts within the Town or Borough of *East Retford* in the County of *Nottingham*, and other Places in the Counties of *Nottingham*, *York*, and *Lincoln*.

[21st June 1841.]

[*Saving of Manorial Rights*, § 87.]

Cap. lxxxviii.

An Act to incorporate the Proprietors of the *Meerbrook Sough*, and to enable them to levy and raise certain Royalties, Dues, and Tolls for the Continuation and Maintenance thereof.

[21st June 1841.]

Cap. lxxxix.

An Act to enable "The Patent Rolling and Compressing Iron Company" to purchase certain Letters Patent, and to sue and be sued.

[21st June 1841.]

Cap. xc.

An Act for regulating legal Proceedings by or against "The *Rhydney* Iron Company," and for granting certain Powers thereto.

[21st June 1841.]

Cap. xci.

An Act for forming and establishing "*Stead's Patent Wooden Paving Company*," and to enable the said Company to purchase certain Letters Patent, and for confirming the same.

[21st June 1841.]

Cap. xcii.

An Act to enable the Church of *England* Life and Fire Assurance, Trust, and Annuity Company to sue and be sued in the Name of the Managing Director or other Officer of the said Company.

[21st June 1841.]

Cap. xciii.

An Act for regulating legal Proceedings by or against the *Neptune* Marine Insurance Company.

[21st June 1841.]

Cap. xciv.

An Act for enabling "*The Imperial Life Insurance Company*" to alter the Mode of Appropriation of Profits directed by their Deed of Settlement, and for regulating legal Proceedings by or against the Company.

[21st June 1841.]

Cap. xcv.

An Act for regulating legal Proceedings by or against "*The Hull Flax and Cotton Mill Company*."

[21st June 1841.]

Cap. xcvi.

An Act to enable the "*Scottish Marine Insurance Company*" to sue and be sued; and for other Purposes.

[21st June 1841.]

Cap. xcvi.

An Act for further and more effectually repairing and maintaining certain Turnpike Roads in the Counties of *Roxburgh* and *Dumfries*. (b)

[21st June 1841.]

[1 G. 4. c. lxxiv. repealed, § 1. *Present Tolls continued until Whitsuntide 1844, § 11. Tolls to be paid but once a Day at same Gate, § 16. Tolls may be diminished on Waggon and Carts with broad Wheels of a certain Description, § 19.; and on Lime or Chalk for Manure, § 22. No more Money to be expended on Roads than is collected thereon, § 25.*]

Cap. xcvi.

An Act for more effectually widening and improving the Road from *Wells* to *Highbridge*, with a Road thereout to *Cheddar*, all in the County of *Somerset*. (a)

[21st June 1841.]

[*Two Tolls only to be taken on same Day for passing and repassing once on the Road from Wells to Highbridge, and One Toll only from Portway Elm to Cheddar, § 17. Tolls to be paid but once a Day at same Gate, § 18. Timber, &c. to pay Double Toll between the 1st of November and 1st of April, § 21. No more Money to be laid out in repairing Roads than is collected thereon, § 25. Tolls not to be laid out in improving Towns, § 26.*]

Cap. xcix.

An Act for more effectually repairing and maintaining several Roads leading to and from the Town of *Bradford* in the County of *Wilts*, and for maintaining a Bridge over the River *Avon* at *Stokeford* in the said County. (a) [21st June 1841.]

[59 G. 3. c. lxxxix. repealed, § 1. *Four Tolls only to be taken on same Day for passing and repassing once on the Road leading from Combe Bridge, through Winsley and Turley, to a House formerly called the Black Bear at Staverton, and One Toll only from Winkfield to the Old Men's Almshouse in Bradford, and Two only from the Bottom of Mason's Lane to the Road leading from Bath to Kingsdown at or near Bathford Bridge, and Two only on the Road leading out of the last-mentioned Road at the Top of Mason's Lane near Bradford to Cuff's Corner, and One only on a Road leading out of the said Road at or near Frankley to Forewood's Common, and One only from Bradford to Cockhill, § 19. Tolls to be paid but once a Day at same Gate, § 20. Timber to pay Double Tolls between the 1st of November and the 1st of April, § 23. No more Money to be laid out in repairing Roads than is collected thereon, § 28. Money not to be laid out in repairing Roads within a certain Distance of the Town of Bradford, § 29.*]

Cap. c.

An Act for repairing the Roads leading from *Henley-upon-Thames* to *Culham Bridge*, and to the *Chancellor's Milestone* near *Magdalen Bridge*, in the County of *Oxford*. (b) [21st June 1841.]

[1 & 2 G. 4. c. xxvi. repealed, § 1. *One Toll only to be taken on same Day for passing and repassing once through all the Gates from Henley Bridge to the Twelfth Mile Stone from Henley; and Two Tolls only from the said Twelfth Mile Stone to the Mile Stone in the Road leading to Magdalen Bridge, § 14. Tolls to be paid but once a Day at same Gate, § 15. No more Money to be laid out in repairing Roads than is collected thereon, § 27. Money not to be laid out in improving Towns, § 28.*]

Cap. ci.

An Act for repairing the Road from *Blakedown Pool* in the Parish of *Hagley* in the County of *Worcester* into the Borough of *Birmingham* in the County of *Warwick*. (a) [21st June 1841.]

[58 G. 3. c. xiv. repealed, § 1. *Two full Tolls only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 18. Tolls to be paid but once a Day at same Gate, § 19. Lime for Manure exempt from Toll, § 25. No more Money to be laid out in repairing Roads than is collected thereon, § 27. No Money to be laid out in improving Towns, § 28.*]

Cap. cii.

An Act for repairing the Turnpike Road from *Barnstaple* to *Braunton* in the County of *Devon*, and for making certain new Lines of Road to communicate with the same. (a)

[21st June 1841.]

[10 G. 4. c. xvii. repealed, § 1. *One Toll only to be taken on same*

same Day for passing on the Road from Barnstaple to Braunton, and One only from Braunton to Ilfracombe, and from Stang Lane to Cheglinch Lane End, and from Mullacott Lane to the Blacksmith's Shop near Woolingcott Cross, and from the said Blacksmith's Shop to Ilfracombe, § 21. Tolls to be paid but once a Day at same Gate, § 22. One Half Toll only to be paid for Lime or Salt for Manure, § 28. A second Toll not to be paid within Four Miles on any of the Roads, § 34. No more Money to be expended in repairing Roads than is collected thereon, § 36. Money not to be laid out in improving Towns, § 39.]

Cap. ciii.

An Act for repairing and improving the Roads commonly called the *Sedgley Roads* in the County of *Stafford*, and for making a new Line of Road connected therewith in the said County. (a)
[21st June 1841.]

[33 G. 3. c. 167. and 55 G. 3. c. lxxiv. repealed, § 1. One Toll only to be paid for passing and repassing once on same Day through all the Gates on the Road, § 21. Tolls to be paid but once a Day at same Gate, § 22. Timber, &c. to pay Double Toll between the 1st of November and 1st of April, § 25. No more Money to be laid out in repairing Roads than is collected thereon, § 28. Money not to be laid out in improving Towns, § 31.]

Cap. civ.

An Act for repairing the Road from *Dewsbury* to *Leeds* in the West Riding of the County of *York*, and for making and repairing a new Line of Road leading therefrom. (b)
[21st June 1841.]

[56 G. 3. c. vi. repealed, § 1. Three full Tolls only to be taken on same Day for passing once through all the Gates between *Dewsbury* and *Leeds*, and One Toll only on the new Line, § 22. Tolls to be paid but once a Day at same Gate, § 23. No more Money to be laid out in repairing Roads than is collected thereon, § 28. Money not to be laid out on Roads within the Township of *Leeds*, § 29.]

Cap. cv.

An Act to amend an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, for repairing and improving the Road from *Brighton* to *Shoreham* and *Lancing* in the County of *Sussex*, and for other Purposes connected therewith. (a)
[21st June 1841.]

[11 G. 4. c. lxiii. in part repealed, § 1. One Toll only to be taken on same Day for passing and repassing once between *Brighton* and *Old Shoreham Bridge*, and One only between the Western Extremity of the *Norfolk Bridge* and the Western Extremity of the Road in the Parish of *Lancing*, § 5. Tolls to be paid but once a Day at same Gate, § 6. Money not to be laid out in improving Towns, § 16. Powers of recited Act (except as altered) extended to this Act, § 19. Saving the Rights of the Parties interested in the *Norfolk Bridge*, and the Bridge over the *Adur*, at or near *Old Shoreham*, § 20.]

Cap. cvi.

An Act for repairing and improving the Road from *Selby* to *Leeds* in the West Riding of the County of *York*. (a)

[21st June 1841.]

[1 G. 4. c. lxxv. repealed, § 1. *Four Tolls only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 19. Tolls to be paid but once a Day at same Gate, § 20. Timber, &c. to pay Double Toll between the 1st of November and the 1st of April, § 24. Manure not exempt from Toll during the Winter Months, unless the Wheels of the Waggon, &c. are of the Breadth of Six Inches, and rolling on a flat Surface, and the Nails of the Tire not projecting more than a Quarter of an Inch, § 25. Tolls not to be laid out in improving Towns, § 29.*]

Cap. cvii.

An Act for repairing, improving, and maintaining the Road from a Place in the Parish of *Nuffield* in the County of *Oxford*, through *Wallingford* and *Wantage*, to *Faringdon* in the County of *Berks*. (a)

[21st June 1841.]

[25 G. 2. c. 21. 5 G. 3. c. 55. 39 G. 3. c. xxxvii. and 59 G. 3. c. c. repealed, § 1. *Six Tolls only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 14. Tolls to be paid but once a Day at same Gate, § 15. Timber, &c. to pay Double Toll between the 1st of November and 1st of April, § 19. Manure and Road Materials not exempted from Toll during the Winter Months, unless the Wheels of the Waggon, &c. are of a certain Construction, § 20. Money not to be laid out in improving Towns, § 24.*]

Cap. cviii.

An Act for more effectually repairing, maintaining, and improving certain Roads leading to and from the City of *Lincoln*. (a)

[21st June 1841.]

[29 G. 2. c. 84. 17 G. 3. c. 109. 37 G. 3. c. 168. and 54 G. 3. c. lxxxiii. repealed, § 1. *One Toll only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 22. Tolls to be paid but once a Day at same Gate, § 23. No more Money to be laid out in repairing Roads than is collected thereon, § 28. Money not to be laid out in improving Towns, § 29.*]

Cap. cix.

An Act for repairing the Turnpike Road from *Tinsley* to *Doncaster*, and for making certain new Lines of Road to communicate with the same, all in the West Riding of the County of *York*. (a)

[21st June 1841.]

[7 G. 4. c. lxxxix. repealed, § 1. *Saving the Rights of the River Dun Company, § 21. Four Tolls only to be taken on same Day for passing on the Road from Tinsley to Doncaster, and Two only from the Four Mile Stone at Butterbush or from Conisbrough to the Terminus of the Road at Mexbrough, § 33. Tolls to be paid but once a Day at same Gate, § 36. Horses, &c. drawing*

drawing a fresh Load of Two Cwt. to pay additional Half Toll, § 41. Timber, &c. to pay Double Toll between the 1st of November and 1st of April, § 42. One Half Toll only to be paid for Lime for Manure and Draining Tiles, § 43. Manure and Draining Tiles not exempted from Toll unless the Wheels of the Waggon, &c. are of the Breadth of Four Inches and a Half, § 45. No more Money to be laid out in repairing Roads than is collected thereon, § 47. Money not to be laid out in improving Towns, § 53.]

Cap. cx.

An Act for making and maintaining a Turnpike Road from *Cripps Corner* in the Parish of *Ewhurst* in the County of *Sussex* to *Gills Green* in the Parish of *Hawkhurst* in the County of *Kent*. (b) [21st June 1841.]

[6 G. 4. c. xliii. repealed as to the Piece of Road from *Highgate* to *Cooper's Corner*, § 1. Three Tolls only to be taken on same Day for passing once through all the Gates on the Road, § 20. Tolls to be paid but once a Day at same Gate, § 21.]

Cap. cxi.

An Act for repairing and maintaining the Road from the *Mayors Stone* in *Abingdon* to *Chilton Pond* in the County of *Berks*. (a) [22d June 1841.]

[29 G. 2. c. 8. and 18 G. 3. c. 99. repealed as to the *Abingdon District*, and 38 G. 3. c. lxxv. and 59 G. 3. c. viii. wholly repealed, § 1. Tolls to be paid but once a Day on the whole Line of Road, § 30. Timber, &c. to pay Double Toll between the 1st of November and 1st of April, § 36. Money not to be laid out in improving Towns, § 41.]

Cap. cxii.

An Act for improving the Streets and public Places, and erecting a Town Hall and improving the Markets, in the Township of *Blackburn* in the County Palatine of *Lancaster*.

[22d June 1841.]

[43 G. 3. c. cxxv. repealed, § 1.]

Cap. cxiii.

An Act for the better Drainage of Lands in *Bourn North Fen* and *Dyke Fen* in the Manor and Parish of *Bourn* in the County of *Lincoln*. [22d June 1841.]

[Saving of Manorial Rights, § 111.]

Cap. cxiv.

An Act for maintaining and repairing, as Turnpike, a certain Road commencing at or near the North-west Gate of the *Woodside Hotel Stable-yard* in the Township or Chapelry of *Birkenhead*, and terminating at or near the Cottage of *Henry Berry* in the Township of *Little Meols* in the Parish of *West Kirby* in the County of *Chester*, and for levying Tolls for that Purpose. (b)

[22d June 1841.]

[One full Toll only to be taken for passing on the whole Line, § 21. Tolls to be paid but once a Day at same Gate, § 22. Road Materials

Materials not exempted from Toll if used for Roads in any other Parish than those through which the Road comprised in the Act passes, or the Materials are found, and unless drawn between the 1st of May and the 1st of November, or in hard Frost, § 29. No Exemption allowed for Corn, Hay, Manure, &c. unless drawn in Carriages with broad Wheels, § 30. Money not to be laid out in repairing Streets, § 35.]

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN
IN EVIDENCE.

N.B.—*To each of these Acts is annexed a Clause in the Form following :*

“ And be it further enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom ; and “ a Copy thereof so printed by any of them shall be admitted “ as Evidence thereof by all Judges, Justices, and others.”

Cap. 1.

An Act for inclosing Lands in the Parish of *Barnack with Pilsgate and Southorpe* in the County of *Northampton*.

[30th March 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 46.; and for the Recreation of the Inhabitants, § 47.; and to the Lord of the Manor for Right of Soil, § 49.; and to the Rector in lieu of Glebe and Common Rights, § 50. Rector's Allotment to be fenced at the general Expence, § 55. Rector may, with Consent of Bishop and Patron, lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months next after passing of Act, § 56. Saving of Manorial Rights, § 78.*]

Cap. 2.

An Act for inclosing Lands in the Parish of *Collyweston*, and within the Precincts of *West Hay*, in the County of *Northampton*.

[30th March 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 46.; and for the Recreation of the Inhabitants, § 47.; and to the Lord of the Manor for Right of Soil, § 49.; and to the Rector in lieu of Glebe and Common Rights, § 50. Rector's Allotment to be fenced at the general Expence, § 55. Rector may, with Consent of Bishop and Patron, lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months next after the passing of the Act, § 56. Saving of Manorial Rights, § 84.*]

Cap. 3.

An Act for inclosing Lands in the Manor of *Eccleshill* in the Parish of *Bradford* in the West Riding of the County of *York*.

[10th May 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Recreation of the Inhabitants, § 48.; and to Lords of Manors for Right of Soil, § 49. Saving of Manorial Rights, § 82.*]

Cap. 4.

An Act for inclosing Lands in the Parish of *Bury* in the County of *Sussex*.

[18th May 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made in lieu of Warren, § 56.; and for Chalk, Sand, and Gravel Pits, § 57.; and for a Wharf, § 58.; and for Recreation of the Inhabitants, § 59.; and to the Lord of the Manor for Right of Soil, § 60. Saving the Rights of Lord of the Manor, § 62.*]

Cap. 5.

An Act for inclosing Lands in the Parish of *Eccleshall* in the County of *Stafford*.

[18th May 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 52.; and for Recreation of the Inhabitants, § 53.; and for the Use of the Poor, § 54.; and to the Lord of the Manor for Right of Soil, § 55.*]

Cap. 6.

An Act for inclosing Lands in the Parish of *Gamlingay* in the County of *Cambridge*.

[18th May 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 58.; and for Recreation of the Inhabitants, § 59.; and to Lords of Manors for Right of Soil, § 60.; and to Appropriators and Impropropriators in lieu of Glebe and Common Rights, § 61. Allotment for Glebe to be fenced at the general Expence, § 66. Rector, with Consent of the Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months next after passing of Act, § 69. Saving of Manorial Rights, § 104.*]

Cap. 7.

An Act for inclosing Lands in the Manor of *Waningore* in the County of *Sussex*.

[18th May 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Recreation of the Inhabitants, § 43.; and to the Devisees of Sir Henry Poole for Right of Soil, § 47.; and to the Lord of the Manor for Right of Soil, § 48. Saving of Manorial Rights, § 80.*]

Cap. 8.

An Act for inclosing Lands in the Parish of *Uplyme* in the County of *Devon*. [18th May 1841.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 49.; and for Recreation of the Inhabitants, § 50.; and to the Lord of the Manor for Right of Soil, § 54.]

Cap. 9.

An Act for the Division of the Rectory of *Winwick* in the County Palatine of *Lancaster*. [18th May 1841.]

[Powers of 58 G. 3. c. 45. 59 G. 3. c. 134. 3 G. 4. c. 72. 5 G. 4. c. 103. 7 & 8 G. 4. c. 72. 1 & 2 W. 4. c. 38. 2 & 3 W. 4. c. 61. 7 W. 4. & 1 Vict. c. 75. 1 & 2 Vict. c. 107. and 2 & 3 Vict. c. 49. (except as altered) extended to this Act, § 1.]

Cap. 10.

An Act for inclosing Lands in the Parish of *Bedingham* in the County of *Norfolk*. [21st June 1841.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Recreation of the Inhabitants, § 49.; and to the Lord and Lady of the Manor for Right of Soil, § 50. Vicar's Allotment to be fenced at the general Expence, § 55. Vicar, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months next after passing of Act, § 58.]

Cap. 11.

An Act for inclosing Lands in the Parish of *Upper Heyford* in the County of *Oxford*. [21st June 1841.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 53.; and for Recreation of the Inhabitants, § 54.; and in Compensation of the Right of cutting Furze, § 55.; and to the Rector in lieu of Glebe and Common Rights, § 57. Rector's Allotment to be fenced at the general Expence, § 65. Rector, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months next after passing of Act, § 67. Saving the Rights of the Lords of the Manor, § 92.]

Cap. 12.

An Act for inclosing Lands in the Parish of *Cheveley* in the County of *Cambridge*. [21st June 1841.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 40.; and for Exercise and Recreation of the neighbouring Population, § 41.; and to the Lord of the Manor for Right of Soil, § 42.; and to the Rector in lieu of Glebe and Common Rights, § 43. Saving of Manorial Rights, § 64.]

Cap. 13.

An Act to amend an Act of the last Session of Parliament for 3 & 4 Vict. c. vi. inclosing Lands in the Parishes of *Whittlesea Saint Mary* and *Whittlesea Saint Andrew* in the County of Cambridge.

[21st June 1841.]

Cap. 14.

An Act for inclosing Lands in the Parish of *Marsh Gibbon* in the County of *Buckingham*.

[21st June 1841.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 53.; and for Recreation of the neighbouring Population, § 54.; and to the Lord of the Manor for Right of Soil, § 56.; and to Trustees of the Poor for Fuel, § 56.]

Cap. 15.

An Act for dividing, allotting, and inclosing Lands in the Parish of *Elsing* in the County of *Norfolk*.

[21st June 1841.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 55.; and for Recreation of the neighbouring Population, § 56.; and to the Lady of the Manor for Right of Soil, § 57. Rector may, with Consent of Bishop and Patron, lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months next after passing of Act, § 68.]

Cap. 16.

An Act for inclosing the Commons, Drovers, Banks, and Waste Lands in the Parishes of *Leverington*, *Tid Saint Giles*, and *Outwell*, in the *Isle of Ely* in the County of *Cambridge*.

[21st June 1841.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 51.; and for Watering Places, § 52.; and for Recreation of the neighbouring Population, § 53.; and to the Lord of the Manor for Right of Soil, § 54. Allotments to the Lord of the Manor of *Wisbech Barton* to be fenced at the general Expence, § 65. Bishop of *Ely* may lease his Allotments for Twenty-one Years in Possession, § 66. Saving of Manorial Rights, § 87.; and of the Rights of the *Bedford Level Corporation*, § 88.; and of the *North Level and Nene Outfall Commissioners*, § 89.; and of the *Burgesses of Wisbech*, § 90.; and of the *Commissioners of Sewers and Drainage*, § 91.; and of the *Wisbech Canal Company*, § 92.; and of the *Old River Nene Commissioners*, § 94.]

Cap. 17.

An Act for inclosing Lands in the Manor and Tithing of *Olveston* within the Parish of *Olveston* in the County of *Gloucester*.

[21st June 1841.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 44.; and for Recreation of the neighbouring Population,

lation, § 45.; and to R. C. Lippincott for Right of Soil, § 46.; and to the Owners of Upper Hazle Farm, § 47. Saving of Manorial Rights, § 82.]

Cap. 18.

An Act for inclosing the Commons and Waste Lands in the Township and Manor of *Brimington* in the County of *Derby*.

[21st June 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 49.; and for Recreation of the neighbouring Population, § 50.; and to the Lord of the Manor for Right of Soil, § 51. Saving of Manorial Rights, § 82.]*

Cap. 19.

An Act for dividing, allotting, and inclosing the Commons and Waste Lands lying within the Hamlet of *Coundon* in the County of *Warwick*, and the Hamlet of *Keresley* in the County of *Warwick* and County of the City of *Coventry*, or one of them.

[21st June 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Recreation of the neighbouring Population, § 35.; and to Lords of Manors for Right of Soil, § 36.]*

Cap. 20.

An Act for inclosing Lands in the Parish of *Whitmore* in the County of *Stafford*.

[21st June 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 37.; and for Recreation of the Inhabitants, § 38.; and to the Lord of the Manor for Right of Soil, § 39. Rector's Allotment to be fenced at the general Expence, § 48. Rector may, with Consent of Bishop and Patron, lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months next after passing of Act, § 50. Saving of Manorial Rights, § 74.]*

Cap. 21.

An Act for inclosing and improving Lands in the Parishes of *Saint Helen* and *Saint Nicholas*, *Abingdon*, in the County of *Berks*.

[21st June 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Recreation of the neighbouring Population, § 53.; and to Her Majesty as Lady of the Manor of Shippon for Right of Soil, § 54. Saving of Manorial Rights, § 105.]*

Cap. 22.

An Act for inclosing Lands in the Parish of *Great Horwood* in the County of *Buckingham*.

[21st June 1841.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials*

terials for Roads, § 57.; and for Recreation of the neighbouring Population, § 58.; and for Watering Places, § 59.; and to Lords of the Manor for Right of Soil, § 60.; and to the Rector in lieu of Glebe, § 61.; and to Trustees of the Poor, § 62. Rector's Allotment to be fenced at the general Expence, § 67. Rector, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Calendar Months next after passing of Act, § 70. Saving of Manorial Rights, § 109.]

Cap. 23.

An Act for setting out and allotting certain Portions of the Lands in *Whaddon Chase* in the County of *Buckingham* in lieu of the Common Rights upon the said Chase, and for extinguishing such Common Rights. [21st June 1841.]

[*Power: of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1.*]

Cap. 24.

An Act for severing the Chapelry of *Rowley Regis* from the Vicarage of *Clent* in the County of *Stafford*; and for the Sale of certain Lands situate in the Parish of *Rowley Regis*, and belonging to the Vicarage of *Clent* with the Chapelry of *Rowley Regis* annexed, and thereby providing a Residence and Maintenance for the Curate or Officiating Minister of *Rowley Regis*; and for other Purposes. [21st June 1841.]

Cap. 25.

An Act to empower the Dean and Chapter of *Westminster* to grant Building Leases in certain Parts of the City of *Westminster*; and for other Purposes. [21st June 1841.]

Cap. 26.

An Act to confirm to Sir *Edward Bowyer Smijth* Baronet the Advowson of District Churches within the Parish of *Saint Giles, Camberwell*, in the County of *Surrey*. [21st June 1841.]

Cap. 27.

An Act for vesting certain Real Estate devised by the Will of *Thomas Whittaker* Esquire, deceased, in Trustees, upon Trust to be sold, and for laying out the Money arising therefrom in the Purchase of other Estates, to be settled to the same Uses. [21st June 1841.]

Cap. 28.

An Act for extending the Powers of the Trustees under the Settlement on the Marriage of the Reverend *James Jackson* with Miss *Eliza Houlton*. [21st June 1841.]

Cap. 29.

An Act for empowering the Trustees of *Henry Bickerton Whitehouse* and *Mary* his Wife, and of the Children of the said *Mary Whitehouse*, to lease or sell the Mines and Minerals in and under and to lease Part of the Surface of a certain Freehold Estate called the *Hill Top Farm*, situate in the Parish of *West-bromwich* in the County of *Stafford*, and also to sell the Estate. [21st June 1841.]

Cap. 30.

An Act for vesting the Lands and Barony of *Lundin* and the Lands of *Aithernie*, and certain other Heritages, in favour of *James Erskine Wemyss* Esquire, and his Heirs and Assigns, in Fee Simple, on Condition of certain Parts of the Lands and Barony of *Methill*, and other Lands, being settled in lieu thereof in Fee Tail. [21st June 1841.]

Cap. 31.

An Act to authorize the granting of Leases and Conveyances for Mining Purposes of Estates at *Northwingfield* in the County of *Derby*, the Property of *Frederick Lord Clay* and his infant Son *Richard Clay*. [21st June 1841.]

Cap. 32.

An Act for vesting certain Estates situate in the County of *Leicester*, devised by the Will of *Catherine Moyer* Spinster, in Trustees, upon Trust to convey the same in Exchange for certain other Estates situate in the same County. [21st June 1841.]

Cap. 33.

An Act for selling a Part of the Entailed Estate of *Newton* in the County of *Haddington*, and applying the Price towards discharging Part of the Debts incurred in improving the said Entailed Estate; and also for exchanging certain Parts of the Entailed Estate for Lands held in Fee Simple. [21st June 1841.]

Cap. 34.

An Act to amend "An Act for vesting Estates of which *Gfford Warriner* Esquire, a Lunatic, is Tenant in Tail, in Trustees for Sale, and also for effecting a Partition of certain Parts thereof, and for granting Leases;" and to enable the said Trustees to make Conveyances in Fee, subject to Rent-charges, and Leases for long Terms of Years, at reserved Rents, of the unsold Portions of the said Estates, and to make Sale of the Rent-charges and of the Reversions in Fee expectant on the Leases. [21st June 1841.]

[*Powers of 11 G. 4. & 1 W. 4. c. 41. (except as altered) extended to this Act, § 21.*]

Cap. 35.

An Act for carrying into effect a Contract between *Edward Gresley Stone* and *John Attwood* Esquires for the Sale of the *Copfold Hall* Estate in the County of *Essex* to the said *John Attwood*, and for investing the Purchase Money in other Estates, to be settled to the same Uses; and also for authorizing the Exchange of certain Lands and Hereditaments in the Counties of *Worcester* and *Gloucester*, devised by the Will of *John Stone* Esquire, deceased. [21st June 1841.]

Cap. 36.

An Act for authorizing Leases to be granted of the *Burross* Estate in the Parish of *Kingswinford* in the County of *Stafford*, devised by the Will of *Thomas Westwood* deceased to *Thomas Westwood* during his Life, and after his Decease upon the Trusts of such Will. [21st June 1841.]

Cap. 37.

An Act to enable the Trustees of the Trust Estates in *Scotland* of *John Bowes Lyon*, late Earl of *Strathmore* and *Kinghorn*, deceased, to advance and pay certain yearly Sums on behalf of *Thomas George Lyon Bowes* commonly called Lord *Glumis*, his Grand-nephew, who in certain Events will become entitled to the Trust Estates in question. [21st June 1841.]

Cap. 38.

An Act to enable the Trustees of the Hospital of *Saint John the Baptist* in the City of *Winchester* to effect an Exchange with Sir *Edmund Antrobus* Baronet, under the Authority of the Court of Chancery. [21st June 1841.]

Cap. 39.

An Act to enable the Trustees of the Will of the late *Peter Dutton* Esquire to make Sale of Part of the Estates devised by the same Will, and to lay out the Money arising from any such Sale in the Purchase of other Estates, to be settled to the subsisting Uses of the said Will, and to make Conveyances in Fee, or Demises for long Terms of Years, of other Part of the said Estates, for the Purpose of building on and otherwise improving the same; and also to apply a Sum of Money arising from the Sale of Part of the Estates devised by the said Will in carrying the aforesaid Objects and Purposes into execution. [21st June 1841.]

Cap. 40.

An Act for ascertaining and defining the Glebe Land of the Rector of *Abington* alias *Abingdon* in the County of *Northampton*, and for building a Parsonage House for such Rector. [21st June 1841.]

Cap. 41.

An Act for effecting a Sale and Conveyance from the Feoffees or Trustees of the Parish of *Saint Mildred Bread Street* in the City of *London* to the Fishmongers Company, and for investing the Purchase Money in other Estates, to be settled to the same Uses. [21st June 1841.]

Cap. 42.

An Act to amend an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to authorize the Sale of certain Lands, Tenements, and Hereditaments in the Counties of Kent and Northampton, formerly belonging to William Marshall of Clifford's Inn in the City of London, Gentleman, deceased, and for other Purposes incidental thereto.* 2 & 3 Vict. c. 35. [21st June 1841.]

Cap. 43.

An Act for effecting an Exchange between the Mayor, Aldermen, and Burgesses of the Borough of *Great Yarmouth* in the County of *Norfolk* and the Trustees of a Charity in the said Borough called "The Children's Hospital." [21st June 1841.]

Cap. 44.

An Act for enlarging the Power to grant Leases contained in the Will of *Alexander Lyon Emerson* Doctor of Medicine, deceased; and for other Purposes. [21st June 1841.]

Cap. 45.

An Act to enable the Trustees of the *Oldbury* Charity to grant Building Leases. [21st June 1841.]

Cap. 46.

An Act for vesting in the Overseers of the Poor of the Township of *Blackburn* in the County Palatine of *Lancaster* Parts of the *Town's Moor*, for Sale or other Disposal thereof. [22d June 1841.]

Cap. 47.

An Act to enable the Trustees of the Chapelry of *Smethwick* in the County of *Stafford* to demise Coal and other Mines, and to grant Building Leases. [22d June 1841.]

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TO THE

PUBLIC GENERAL ACTS, 4^o & 5^o VICTORIÆ.

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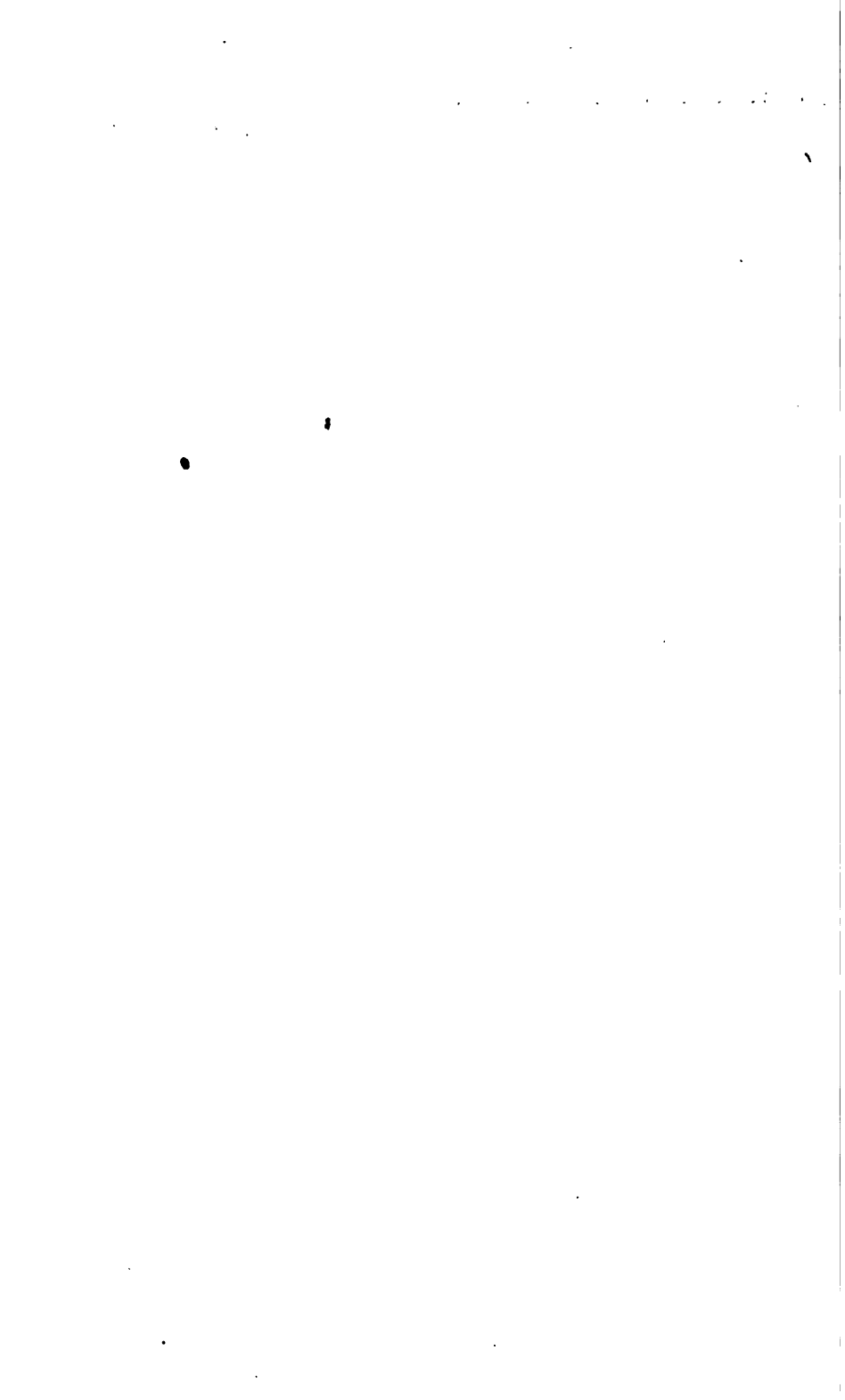
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- Duties of Excise. See Excise.
- Duties on Law Proceedings, to explain and amend 5 Geo. IV. c. 41. for repealing certain, in Great Britain and Ireland, and for better protecting the Duties payable on Stamped Vellum, Parchment, or Paper - - 34
- Duties on Sugar. See Sugar.
- East Indies. See Rum and Rum Shrub.
- Ecclesiastical Commissioners, to explain and amend 6 & 7 Gul. IV. c. 77. and 3 & 4 Vict. c. 113. relating to - - - 39
- Ecclesiastical Courts, to take away the Jurisdiction from, in all Matters relating to Tithes of a certain Amount - - - 36
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- Entail, to amend 6 & 7 Gul. IV. c. 42., to grant certain Powers to Heirs of Entail, and to authorize the Sale of Entailed Lands for the Payment of certain Debts affecting the same - - 24

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— for Public Works, Commissioners for the Issue of, empowered to complete the Works authorized to be made by 6 & 7 Gul. IV. c. cxiv. for improving the Navigation and Harbour of Tralee - *46	of and imported from certain British Possessions in the East Indies into the United Kingdom, the Duty on, reduced - Cap. 8
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- Toll, to amend the Acts for regulating Turnpike Roads in England, so far as they relate to certain Exemptions from - - 33
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- Turnpike Acts, for removing Doubts as to the Continuance of certain Local - - - 9
- Turnpike Roads in England, to amend the Acts for regulating, so far as they relate to certain Exemptions from Toll - - 33
—— to amend 3 Geo. IV. c. 126. for regulating, and also 5 & 6 Gul. IV. c. 50. for consolidating the Laws relating to Highways - - - 51
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THE

STATUTES AT LARGE.

Anno Regni VICTORIÆ, Britanniarum Reginae,
Quinto.

‘ **A**T the Parliament begun and holden at *Westminster* the
‘ Nineteenth Day of *August*, Anno Domini 1841, in the
‘ Fifth Year of the Reign of our Sovereign Lady VIC-
‘ TORIA, by the Grace of God, Queen of the United Kingdom
‘ of *Great Britain* and *Ireland*, Defender of the Faith: Being
‘ the First Session of the Fourteenth Parliament of the United
‘ Kingdom of *Great Britain* and *Ireland*.’

C A P. I.

An Act to authorize Her Majesty's Commissioners of Woods
to grant Building Leases of the Royal Kitchen Garden at
Kensington, and to form and improve other Royal Gardens;
and to enable the said Commissioners to purchase Lands of
Copyhold or Customary Tenure. [5th October 1841.]

‘ **W**HEREAS the several Royal Kitchen Gardens for the Sup-
‘ ply of Her Majesty, at *Buckingham Palace* and *Windsor*
‘ *Castle*, consist of the Gardens at *Kensington*, *Hampton Court*,
‘ and *Kew*, and the *Maestricht*, *Cranbourne*, *Frogmore*, and *Cum-*
‘ *berland* Gardens at *Windsor*, and the same Gardens are detached,
‘ inconvenient, and of expensive Management, and do not afford
‘ sufficient Produce for the Use of Her Majesty and Her Royal
‘ Household: And whereas the Piece or Parcel of Ground used as
‘ Kitchen Gardens and for other Purposes at *Kensington Palace*,
‘ which is described in the Schedule to this Act (containing
‘ about Twenty-eight Acres), is well adapted for Building Pur-
‘ poses, and might be advantageously let on Building Leases, in
‘ the same Manner as other Lands, Part of the Land Revenue of
‘ the Crown, are usually let: And whereas it is expedient that a
‘ new Kitchen Garden should be attached to *Windsor Castle*, ade-
‘ quate for the Supply of Her Majesty and Her Royal Household,
‘ and that such other of the Royal Kitchen Gardens as are incon-
‘ venient should no longer be maintained; and it hath been esti-
‘ mated that the Value of the said Ground and Premises mentioned
‘ in the said Schedule, when let on Building Leases, would be
‘ sufficient to form a Fund for acquiring and forming such new
5 VICT. Y Kitchen

The Ground, Buildings, &c. comprised in the Schedule to form Part of the Possessions of the Land Revenues of the Crown, and be placed under the Management of the Commissioners of Woods, Forests, &c. freed from the Restrictions of 10 G. 4. c. 50.

A Survey and Estimate to be made of the Value of the Ground, Buildings, &c.

Commissioners of Woods and Forests empowered to form a new Kitchen Garden at Windsor out of the Monies

‘ Kitchen Garden, and for the Improvement of other Royal Kitchen ‘ Gardens :’ Now therefore may it please Your Majesty that it may be enacted ; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Piece of Ground, Buildings, and Premises comprised in the said Schedule to this Act shall henceforth form Part and Parcel of the Possessions and Land Revenues of Her Majesty in right of the Crown, and be under the Management and Control of the Commissioners of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings for the Time being, in such and the like Manner in all respects as the other Lands forming Part of the Possessions and Land Revenue of the Crown, and freed from the Restriction by an Act passed in the Tenth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty’s Woods, Forests, Parks, and Chases ; of the Land Revenue of the Crown within the Survey of the Exchequer in England ; and of the Land Revenue of the Crown in Ireland ; and for extending certain Provisions relating to the same to the Isles of Man and Alderney*, contained or imposed, as to leasing all or any Part of any of the Royal Forests, Parks, or Chases in *England* ; and that all Statutes, Laws, Provisions, and Regulations, Powers of Leasing, Sale, Exchange, and other Powers, now in force or hereafter to be in force relating or with respect to the Hereditary Possessions and Land Revenues of the Crown (not being Royal Palaces or Parks), shall be taken to extend and apply to the said Piece of Ground, Buildings, and Premises described in the said Schedule.

II. And be it enacted, That the Commissioners of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings shall cause a Survey and Estimate of the Value of the said Piece of Ground, Buildings, and Premises to be taken and made by such able and practical Surveyor or Surveyors as shall be named for that Purpose by or under the Order and Direction of the said Commissioners for the Time being of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings ; and the said Surveyor or Surveyors shall certify, by a Report in Writing under his or their Hand or Hands, what in his or their Judgment is the true Worth or Value of the said Piece of Ground, Buildings, and Premises ; and every Person who shall be employed to make any Survey or Estimate as aforesaid shall annex to his Survey and Estimate a Declaration according to Law, to be made and subscribed by him before One of the said Commissioners for the Time being of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings, or any Justice of the Peace or Magistrate.

III. And be it enacted, That the Commissioners for the Time being of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings may (by the Direction of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, for the Time being), by and out of the Monies arising from the Land Revenue of the Crown which shall from Time to Time be at their Disposal, lay out

any Sum or Sums of Money (not exceeding in the whole the Amount of the Valuation so to be made as aforesaid) in acquiring, and in the forming, improving, laying out, planting, and enclosing, such a Piece or Pieces of Land and Hereditaments at or near *Windsor* as shall be deemed convenient for and as a Royal Kitchen Garden, for the Use of Her Majesty, Her Heirs and Successors, and in erecting, making, and completing all requisite Houses, Buildings, Walls, Sewers, and Drains and other Works, in and about and for the Purposes of such Royal Kitchen Garden; and such Land and Hereditaments, when acquired, shall be vested in Her Majesty, Her Heirs and Successors, and shall for ever thereafter be appropriated to the Use, Occupation, and Possession of the Sovereign, and be held with and be an Appendage to and form Part and Parcel of the Possessions of the Castle and Honor of *Windsor*, and be conducted, cultivated, and maintained and kept in repair in such and the like Manner, and be subject to such and the like Regulations, as the other Royal Gardens annexed to or forming Parcel of Royal Palaces now are conducted, cultivated, maintained, kept in repair, and subject to.

IV. Provided always, and be it enacted, That in case, after acquiring, making, and completing the said Royal Kitchen Garden and the Buildings and Works aforesaid, and after letting the Ground and Premises at *Kensington* aforesaid on Building Leases, it shall be ascertained that the Value of the said Ground and Premises exceeds the Outlay herein-before provided for, then and in such Case the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall (with the Consent of Her Majesty, Her Heirs and Successors, and of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, for the Time being,) lay out and apply the Surplus of the Amount of such Valuation which may not be expended in and about the said new Royal Kitchen Garden as aforesaid, or a sufficient Part thereof, in and about the Improvement and Enlargement of other Royal Gardens, and, subject as aforesaid, any Surplus of the Amount of the said Valuation shall be applied towards the Improvement of any of the Royal Parks or Royal Gardens as may, by Her Majesty, Her Heirs or Successors, be deemed expedient, and as Her Majesty, Her Heirs or Successors, may be pleased to direct.

Application of Surplus Monies (if any) arising from letting the Ground, &c. at Kensington after providing for a new Kitchen Garden at Windsor.

V. And whereas it is expedient that the Powers now by Law vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to purchase, sell, lease, or exchange, on behalf of Her Majesty, Her Heirs or Successors, any Manors or Hereditaments in Fee Simple, or any Copyhold Lands or Hereditaments, the Freehold of which shall be in the Crown, should be extended so as to empower the said Commissioners to purchase, sell, lease, or exchange, on behalf of Her Majesty, Her Heirs or Successors, any Messuages, Lands, or Hereditaments of Copyhold or Customary Tenure; be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, from Time to Time, with the Consent of the Lord High Treasurer, or Commissioners for exercising the Office of

Commissioners empowered to purchase, lease, or exchange on behalf of Her Majesty.

Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, or any Three of them, to contract for and purchase, for and on behalf of Her Majesty, Her Heirs or Successors, any Messuages, Lands, Tenements, or Hereditaments of Copyhold or Customary Tenure which shall adjoin to, be intermixed with, or be convenient and desirable to be held with any Freehold Hereditaments which are now vested or at any Time hereafter may be or become vested in Her Majesty, Her Heirs or Successors, in right of the Crown.

Land so purchased to be vested in Trustees on behalf of Her Majesty.

VI. And be it enacted, That on every Purchase made by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, Her Heirs or Successors, of any Messuages, Lands, Tenements, or Hereditaments of Copyhold or Customary Tenure, the said Commissioners shall cause such Messuages, Lands, Tenements, or Hereditaments to be surrendered to or well and effectually vested in a Trustee or Trustees for and on behalf of Her Majesty, Her Heirs or Successors, who shall thereupon execute a Declaration of Trust in necessary and proper Form, which Declaration of Trust, together with an authenticated Copy of the Surrender and Admittance, shall in every Case, with all convenient Speed thereafter, be enrolled in the Office of Land Revenue Records and Inrolments, and a Minute or Docquet thereof entered in the Office of the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Extending Provisions of 10 G. 4. c. 50. to Purchases under this Act.

VII. And be it enacted, That all the Provisions, Rules, and Regulations in the before-mentioned Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth expressed or contained, in relation to the purchasing, selling, leasing, or exchanging any Part of the Possessions and Land Revenue of the Crown, shall extend and apply to the purchasing, selling, leasing, or exchanging, on behalf of Her Majesty, Her Heirs or Successors, of any Messuages, Lands, Tenements, or Hereditaments of Copyhold or Customary Tenure.

The SCHEDULE to which this Act refers.

All that Piece or Parcel of Ground, together with the several Erections and Buildings thereon, containing about Twenty-eight Acres, a small Portion of which is extra-parochial, and the remaining Portion thereof is situate in the several Parishes of Saint Mary Paddington, Saint Mary Abbots Kensington, and Saint Margaret Westminster, or in some or one of them, in the County of Middlesex; which said Piece or Parcel of Ground extends on the North Side thereof from a Point near the extreme North-west Angle of Kensington Gardens, and nearly opposite to the West Side of Orme Square, Bayswater, Westward along the Uxbridge Road to or near Linden Place, Eight hundred and eighty Feet or thereabouts; then runs Southward along the West Wall of the Royal Kitchen Garden Two thousand two hundred and twenty-two Feet or thereabouts; then extends towards the West, along the North Wall of the Melon Ground, Three hundred Feet, or thereabouts; then runs again towards the South Forty-two Feet, or thereabouts; then extends again towards the West Thirty-eight

eight Feet, or thereabouts; then runs again towards the South, along the East Side of Church Street, Kensington, Two hundred and twelve Feet, or thereabouts; then extends towards the East, along the South Wall of the Melon Ground, Three hundred and sixty Feet, or thereabouts; and then runs again towards the South One hundred and sixty Feet, or thereabouts; then runs Eastward at the South End thereof, along the Backs of Premises in High Street, Kensington, One hundred and ninety Feet, or thereabouts; then runs towards the North on the East Side thereof, across the Palace Green, One thousand one hundred and twenty Feet, or thereabouts; then extends towards the East, along the South Wall of the Forcing Ground, Two hundred and two Feet, or thereabouts; then runs again towards the North, along the East Wall of the same Forcing Ground, One hundred and sixteen Feet, or thereabouts; then extends again towards the East Sixty-six Feet or thereabouts; then runs again towards the North, along the Park Paling on the East Side of the Orchard, One thousand one hundred and thirty Feet, or thereabouts; and then extends again towards the East, across a Paddock, to the West Wall of Kensington Gardens, Two hundred and ninety-four Feet, or thereabouts; and then runs again towards the North, up to the before-mentioned Point in the Uxbridge Road, nearly opposite the West Side of Orme Square, Two hundred and eight Feet, or thereabouts.

C A P. II.

An Act for annexing the Mansion House, Gardens, and Grounds at *Frogmore*, Part of the Land Revenue of the Crown, to *Windsor Castle*. [5th October 1841.]

‘ **W**HEREAS by an Indenture of Lease, dated on or about
 ‘ the Twenty-first Day of *January* One thousand eight
 ‘ hundred and nine, and made or expressed to be made between
 ‘ His Majesty King *George* the Third of the one Part, and Her
 ‘ late Majesty Queen *Charlotte*, His said Majesty’s Royal Con-
 ‘ sort, of the other Part, it was witnessed, that, for the Consider-
 ‘ ations therein mentioned, and by virtue of the Act of Parliament
 ‘ in the said Indenture of Lease mentioned, His said Majesty
 ‘ King *George* the Third did demise and grant unto Her said
 ‘ Majesty Queen *Charlotte* the Capital Messuage or Mansion
 ‘ House commonly called or known by the Name of *Frogmore*
 ‘ *House*, together with the Gardens and Grounds particularly
 ‘ mentioned and described in the Schedule to this Act annexed,
 ‘ and also a certain Farm and other Hereditaments therein men-
 ‘ tioned as situate in the County of *Berks*, and being Part of the
 ‘ Possessions of the Crown, to hold the same unto Her said Ma-
 ‘ jesty Queen *Charlotte*, Her Executors, Administrators, and As-
 ‘ signs, from the Twentieth Day of that instant Month of *January*,
 ‘ for the Term of Ninety-nine Years, if Her said Majesty Queen
 ‘ *Charlotte*, and Her Majesty’s younger Daughters their Royal
 ‘ Highnesses Princess *Augusta Sophia*, the Princess *Elizabeth*, the
 ‘ Princess *Mary*, the Princess *Sophia*, and the Princess *Amelia*,
 ‘ or any of them, should so long live, at the yearly Rent of
 ‘ Eighty-one Pounds Fifteen Shillings: And whereas the personal
 Y 3 ‘ Repre-

' Representatives of Her Royal Highness the late Princess Augusta Sophia became entitled to the Hereditaments comprised in the said Lease for all the Residue of the said Term of Ninety-nine Years (determinable as aforesaid) thereby created, and such Leasehold Interest has been lately purchased of such Representatives by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, (with the Consent of the Commissioners of Her Majesty's Treasury,) and such outstanding Leasehold Interest in the same Premises has been accordingly surrendered to Her Majesty: And whereas from the Proximity of the said Mansion House, Gardens, and Grounds at *Frogmore* to the Castle of *Windsor* and to *Windsor Great Park*, it is proper that the same should not be let and disposed of as Part of the general Land Revenues of the Crown, but that the same should be held and enjoyed by Her Majesty and Her Successors with the Castle and Honor of *Windsor*, and that the same should become an Appendage to the said Castle: Now therefore may it please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Mansion House, Gardens, and Grounds described in the Schedule to this Act annexed shall henceforth be appropriated to the Use, Occupation, and Possession of the Sovereign, and be held with and be an Appendage to and form Part and Parcel of the Possession of the Castle and Honor of *Windsor*, and be vested in Her Majesty and Her Successors, and be maintained and kept in repair in such and the like Manner, and be subject to such and the like Regulations, as the Palaces, Public Buildings, and Royal Parks, now under the Management and Charge of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, are maintained and kept in repair and subject to.

The Mansion called Frogmore House, as described in the Schedule, appropriated to the Use and Occupation of the Sovereign.

Expences incurred from the Time of Purchase to be defrayed out of the Land Revenues of the Crown.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with the Consent of the Lord High Treasurer, or of the Commissioners for executing the Office of Lord High Treasurer, or any Three of them, by and out of the Monies arising from the Land Revenues of the Crown, and which shall be at their Disposal, to defray all the Expences which from the Time of the Purchase of the said Term of Ninety-nine Years, determinable as aforesaid, up to the passing of this Act, shall have been incurred for the Maintenance and Support of the said Mansion House, Gardens, and Grounds.

The SCHEDULE to which this Act refers.

A Mansion House called Frogmore House, with the Offices, Yards, Flower Gardens, Lawns, Pleasure Grounds, Island, with ornamental Temples, Alcoves, covered Garden Seats, Gothic Rooms, Hermitage, and Grotto, and a double Dwelling House in the Flower Garden thereto belonging, containing Thirty-three Acres Two Roods and Seventeen Perches, situate and being in the Parish of New Windsor in the County of Berks.

C A P. III.

An Act to alter an Act of the Eleventh Year of King *George* the Fourth, for amending the Laws relating to the Pay of the Royal Navy, and an Act of the Fifth Year of King *William* the Fourth, to alter the Provisions of the said Act.

[5th October 1841.]

‘ **W**HEREAS an Act was passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Pay of the Royal Navy*; and another Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and extend the Provisions of an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy*: And whereas it is deemed expedient to alter certain Provisions of the said Acts, so that Mates in the Royal Navy may be enabled to have the Privilege of drawing Bills for their net personal Pay for a shorter Period than Six Months; and it is also deemed expedient that Naval Instructors in the Royal Navy should be enabled to have the same Privilege:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *December* One thousand eight hundred and forty-one it shall be lawful for every Naval Instructor and Mate in the Royal Navy, under such Regulations, Limitations, and Restrictions as have now or may at any Time or Times hereafter be established by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, to draw a Bill of Exchange, or a Set of Bills of the same Tenor and Date, upon the Accountant General of the Navy, for the net personal Pay which shall be due to him, at such Times and for such Periods as the said Commissioners shall at any Time, or from Time to Time, appoint in that Behalf.

11 G. 4 &
1 W. 4. c. 20.

4 & 5 W. 4. c. 25.

Naval Instructors and Mates in the Royal Navy empowered to draw Bills of Exchange.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

C A P. IV.

An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts relating to the Care and Treatment of Insane Persons in *England*.

[5th October 1841.]

‘ **W**HEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty *William* the Fourth, intituled *An Act for regulating for Three Years, and from thence until the End of the then next Session of Parliament, the Care and Treatment of Insane Persons in England*: And whereas the said recited Act was amended by an Act passed in the Session of Parliament holden

2 & 3 W. 4. c. 107.

3 & 4 W. 4. c. 64. ' in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to amend an Act of the Second and Third Years of the Reign of William the Fourth, for regulating the Care and Treatment of Insane Persons in England*: And ' whereas the said recited Acts were afterwards, by an Act passed ' in the Session of Parliament holden in the Fifth and Sixth Years ' of the Reign of His said late Majesty, and by an Act passed ' in the Session of Parliament holden in the First and Second ' Years of the Reign of Her present Majesty, continued for ' Three Years, and from thence to the End of the then next Ses- ' sion of Parliament: And whereas the said Two first-recited Acts ' will shortly expire, and it is expedient that the same should be ' further continued; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Two first-recited Acts shall be and the same are hereby further continued for the Term of Three Years, and from thence to the End of the then next Session of Parliament.

Two first-
recited Acts
continued.

C A P. V.

An Act to make further Provisions for the Administration of Justice. [5th October 1841.]

' **W**HEREAS the Business on the Plea Side of Her Majesty's ' Court of Exchequer at *Westminster* has of late Years ' greatly increased, and a Transfer to the Court of Chancery of the ' Jurisdiction of the said Court of Exchequer as a Court of Equity ' would relieve the Judges of the said Court of Exchequer, and ' would otherwise tend to promote the public Advantage; be it ' therefore enacted by the Queen's most Excellent Majesty, by and ' with the Advice and Consent of the Lords Spiritual and Tem- ' poral, and Commons, in this present Parliament assembled, and ' by the Authority of the same, That on the Fifteenth Day of Oc- ' tober One thousand eight hundred and forty-one all the Power, ' Authority, and Jurisdiction of Her Majesty's Court of Exchequer ' at *Westminster* as a Court of Equity, and all the Power, Authority, ' and Jurisdiction which shall have been conferred on or committed ' to the said Court of Exchequer by or under the special Authority ' of any Act or Acts of Parliament, (other than such Power, ' Authority, and Jurisdiction as shall then be possessed by or be ' incident to the said Court of Exchequer as a Court of Law, or as ' shall then be possessed by the said Court of Exchequer as a Court ' of Revenue, and not heretofore exercised or exercisable by the ' same Court sitting as a Court of Equity,) shall be by force of ' this Act transferred and given to Her Majesty's High Court of ' Chancery, to all Intents and Purposes, in as full and ample a ' Manner as the same might have been exercised by the said Court ' of Exchequer if this Act had not passed; and the same Power, ' Authority, and Jurisdiction shall, so far as respects the Exercise ' thereof by the said Court of Exchequer, cease and determine: ' Provided always, that this Act shall not abridge, lessen, or in ' anywise affect the Power, Authority, or Jurisdiction of or incident ' to the said Court of Exchequer as a Court of Law, or the Power, ' Authority,

The Jurisdic-
tion of the Court
of Exchequer
as a Court of
Equity, &c.
abolished, and
transferred to
the Court of
Chancery.

Authority, or Jurisdiction of the same Court as a Court of Revenue, not heretofore exercised or exercisable by the same Court sitting as a Court of Equity.

II. And be it enacted, That all Suits and Matters which on the said Fifteenth Day of *October* One thousand eight hundred and forty-one shall be depending in the said Court of Exchequer as a Court of Equity, or under such Act or Acts of Parliament as aforesaid, (except as aforesaid,) shall be by force of this Act transferred, with all the Proceedings therein, to the said Court of Chancery, there to be carried on and prosecuted and dealt with and decided according to the Practice of that Court, in the same Manner in every respect as if such Suits and Matters had been originally commenced in the said Court of Chancery; and that all Decrees and Orders which shall have been made by the said Court of Exchequer in such Suits and Matters shall, to all Intents and Purposes, be deemed and taken to be Decrees or Orders respectively of the said Court of Chancery; and that all Writs which shall have been then issued in the same Suits and Matters, or any of them, returnable in the said Court of Exchequer, shall be by force of this Act returnable in the said Court of Chancery: Provided always, that in case it shall appear to the Court of Chancery to be just and expedient that any Suit or Suits, Matter or Matters, so transferred to the said Court of Chancery, should be wholly or partially carried on according to or regulated by the present Practice of the Court of Exchequer, or that any Question or Questions arising in the same Suit or Suits, Matter or Matters, should be decided with reference to the present Practice of the said Court of Exchequer, it shall be lawful for the said Court of Chancery to make such Order or Orders in relation thereto as to the said Court of Chancery shall seem meet.

III. And be it enacted, That it shall be lawful for the Lord Chancellor from Time to Time to make such General Orders (as well with respect to the Taxation and Allowance of Costs as in all other respects) as to him shall seem fit and proper to be made, by reason or in consequence of the Transfer hereby made to the said Court of Chancery of such Suits and Matters as aforesaid, or for carrying the same Transfer into complete Effect.

IV. And be it enacted, That on and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one it shall be lawful for the said Court of Chancery, upon the Application of any Party interested, by Motion or Petition, in a summary Way, without Bill filed, to restrain the Governor and Company of the Bank of *England*, or any other public Company, whether incorporated or not, from permitting the Transfer of any Stock in the public Funds, or any Stock or Shares in any public Company, which may be standing in the Name or Names of any Person or Persons, or Body Politic or Corporate, in the Books of the Governor and Company of the Bank of *England*, or in the Books of any such public Company, or from paying any Dividend or Dividends due or to become due thereon; and every Order of the said Court of Chancery upon such Motion or Petition as aforesaid shall specify the Amount of the Stock or the particular Shares to be affected thereby, and the Name or Names of the Person or Persons, Body Politic or Corporate, in which the same shall be standing: Provided

Suits depending and Proceedings transferred to Court of Chancery, to be carried on according to the Practice of that Court.

Writs returnable in Exchequer to be returnable in Chancery, which may direct how transferred Suits shall be carried on.

Lord Chancellor to make General Orders for Taxation of Costs, &c.

Court of Chancery may summarily restrain the Bank of *England*, &c. from permitting Transfer of Stock, &c.

Provided always, that the said Court of Chancery shall have full Power, upon the Application of any Party interested, to discharge or vary such Order, and to award such Costs, upop such Application, as to the said Court shall seem fit.

Writ of Distringas to be issued from the Court of Chancery according to the Form in the First Schedule to this Act.

V. And be it enacted, That in the Place and Stead of the Writ of Distringas, as the same has been heretofore issued from the said Court of Exchequer, a Writ of Distringas in the Form set out in the First Schedule to this Act shall, on and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, be issuable from the Court of Chancery, and shall be sealed at the Subpœna Office, and that the Force and Effect of such Writ, and the Practice under or relating to the same, shall be such as is now in force in the said Court of Exchequer: Provided nevertheless, that such Writ, and the Practice under or relating to the same, and the Fees and Allowances in respect thereof, shall be subject to such Orders and Regulations as may, under the Provisions of this Act, or of any other Act now in force, or under the general Authority of the Court of Chancery, be made with reference to the Proceedings and Practice of the said Court of Chancery.

Certain Funds standing in the Name of the Accountant General of the Exchequer transferred to Queen's Remembrancer.

VI. And be it enacted, That on the said Fifteenth Day of *October* One thousand eight hundred and forty-one the Sum of One thousand six hundred and fourteen Pounds Nineteen Shillings and Sixpence Three *per Centum* Consolidated Bank Annuities, now standing in the Name of the Accountant General of the said Court of Exchequer, in Trust in a Cause depending in the same Court as a Court of Revenue, "*The King v. Delamotte,*" and the Sum of Three hundred and thirteen Pounds One Shilling and Nine-pence like Annuities, now standing in the Name of the said Accountant General of the said Court of Exchequer, in Trust in another Cause depending in the same Court as a Court of Revenue, "*The King v. Whitworth,*" or so much of the same Sums respectively as shall then be standing in the Name of the said Accountant General of the said Court of Exchequer, shall become by force of this Act vested in the Queen's Remembrancer in the said Court of Exchequer for the Time being, in Trust to attend the Orders of the said Court of Exchequer; and the several Sums of Cash specified in the Second Schedule to this Act, being Cash in the Bank of *England* to the Account of the Accountant General of the said Court of Exchequer, in Trust in the Causes specified in the same Schedule depending in the said Court of Exchequer as a Court of Revenue, or so much of the same Sums respectively as shall then be in the Bank to the Account of the said Accountant General, shall become by force of this Act vested in the Queen's Remembrancer in the said Court of Exchequer for the Time being, in Trust to attend the Orders of the said Court of Exchequer, and the same shall be applicable to all such Purposes as the same were respectively applicable to before the passing of this Act.

Stocks, &c. standing in the Name of the Accountant General of the Court of Exchequer to be transferred into

VII. And be it enacted, That on the said Fifteenth Day of *October* One thousand eight hundred and forty-one all Stocks, Funds, Annuities, and Securities whatsoever which shall then be standing in the Name of the Accountant General of the said Court of Exchequer as such Accountant General in the Books of the Bank of *England* (except the Funds herein-before vested in the said Queen's Remembrancer), or in the Books of the *South Sea* Company,

Company, or in the Books of the *East India* Company, or in the Books of any other Body Politic or Corporate, or Company whatsoever, and all such Exchequer Bills or other Securities which at any Time before the said Fifteenth Day of *October* One thousand eight hundred and forty-one shall have been transferred into or vested in the Name of, or shall be in the Custody or Power of the Accountant General of the Court of Exchequer as such Accountant General, and all Real and Personal Estate, Effects, and Property whatsoever (except as aforesaid), which shall at any Time before the said Fifteenth Day of *October* have been conveyed, assigned, or transferred, or made payable or secured, to the Accountant General of the said Court of Exchequer as such Accountant General, and which shall not have been applied to the Trusts and Purposes to which the same were applicable under the Order or Direction of the said Court of Exchequer, shall on the said Fifteenth Day of *October* become by force of this Act vested in the Accountant General of the High Court of Chancery for the Time being, in Trust to attend the Orders of the High Court of Chancery, and without any Act or Deed whatsoever to be done or executed by the Accountant General of the said Court of Exchequer for the Time being, and shall and may be proceeded upon by and in the Name of the Accountant General of the High Court of Chancery, in right of his Office, by any Action or Suit at Law or in Equity, or in any other Manner, as the same might have been proceeded on by or in the Name of the said Accountant General of the Court of Exchequer for the Time being, and shall be applicable to all such Purposes as the same were respectively applicable to, except where otherwise directed by this Act; and all such Funds, Stocks, Annuities, and Securities as shall on the said Fifteenth Day of *October* be standing in the Name of the Accountant General of the said Court of Exchequer, as such Accountant General, in the Books of the Bank of *England*, (except the Funds herein-before vested in the said Queen's Remembrancer,) or in the Books of the *South Sea* Company and *East India* Company, or in the Books of any Body Politic or Corporate, or Company, and all Cash in the Bank in the Name of the Accountant General of the said Court of Exchequer as such Accountant General (except the several Sums specified in the said Second Schedule to this Act), shall on the said Fifteenth Day of *October* be carried, by the proper Officers of the said Companies respectively, to the Credit of the Accountant General of the said Court of Chancery in the Books of the said Bank of *England*, *South Sea* Company, *East India* Company, or other Body Politic or Corporate, or Company respectively, in Trust to attend the Orders of the High Court of Chancery; any thing in any Act or Acts of Parliament for the Creation or Regulation of any such Stocks, Funds, Annuities, or Securities, or any other Act or Acts, to the contrary thereof notwithstanding.

VIII. And be it enacted, That the Accountant General of the said Court of Exchequer shall, on the said Fifteenth Day of *October* One thousand eight hundred and forty-one, make up Accounts with the Accountant General for the Time being of the Court of Chancery of all Stocks, Funds, Annuities, or Securities which shall be standing in the Name of the Accountant General of the Court

the Name of the Accountant General of the Court of Chancery; and to be applicable to such Purposes as the same were respectively applicable to.

Officers of Bank of England, &c. directed to make the Transfer.

Accountant General of Court of Exchequer to make up Accounts with Accountant General of Court of Chancery.

Court of Exchequer, as such Accountant General, in the Books of the Bank of *England*, (except as aforesaid,) or in the Books of the *South Sea Company* or *East India Company*, or in the Books of any other Body Politic or Corporate, or Company; and that the Accountant General of the said Court of Exchequer shall also, on the said Fifteenth Day of *October*, make out a true and perfect Schedule of all Cash (except as aforesaid), Exchequer Bills, Bonds, Mortgages, Orders, and Effects whatsoever deposited or remaining in his Custody, Power, or Disposal, or standing in his Name as Accountant General, and of all Monies which shall have been paid into the said Bank of *England* to the Credit of the Accountant General of the said Court of Exchequer as such Accountant General, and which shall not have been invested in any Stocks, Funds, Annuities, or Securities, and shall deliver up to the Accountant General of the Court of Chancery all the Books and Documents in his Possession or Power as such Accountant General of the Court of Exchequer.

Stocks, &c. to be entered Causewise, and the Cash to become One common Cash.

IX. And be it enacted, That all Stocks, Funds, and Securities, and Cash, which by virtue of this Act shall become vested in the Accountant General of the said Court of Chancery, shall be entered Causewise in the Books of such Accountant General, and of the Report Office of the said Court of Chancery; and that the Cash to be transferred to the Credit of the said Accountant General of the said Court of Chancery by virtue of this Act, and all other Cash to the Credit of the Accountant General of the same Court of Chancery, shall be and be deemed and taken to be One common and general Cash, and as such shall be issued and payable in such Manner as the said Court of Chancery hath directed or shall direct.

Property vested in the Accountant General of the Court of Chancery by this Act to go to his Successors in Office.

X. And be it enacted, That in all Cases in which by virtue of this Act any Interest in Real or Personal Estate, Effects, or Property shall be vested in the Accountant General for the Time being of the said Court of Chancery, as such Accountant General, and in respect of his Office, all such Real and Personal Estate, Effects, and Property whatsoever, upon the Death, Resignation, or Removal of each and every Accountant General of the said Court of Chancery, from Time to Time, and as often as the Case shall happen, and the Appointment of a Successor shall take place, shall, subject to the same Trusts as the same were respectively subject to, vest in the succeeding Accountant General by force of this Act, and without any Act or Deed whatsoever to be done by the Accountant General resigning or removed, or by the Heirs, Executors, or Administrators of any Accountant General resigning or removed or dying, or by any Person or Persons claiming under him, them, or any of them, and shall and may be proceeded on in the Name of such succeeding Accountant General by any Action or Suit at Law or in Equity, or in any other Manner, as the same might have been proceeded on by or in the Name or Names of such Accountant General so resigning, removed, or dying, his Heirs, Executors, or Administrators.

Certain Funds transferred to the Accountant General of the Court of Chan-

XI. And be it enacted, That all the Funds which on the said Fifteenth Day of *October* One thousand eight hundred and forty-one shall be standing in the Name of the Accountant General for the Time being of the said Court of Exchequer to an Account intituled

intituled "An Account of Monies placed out for the Benefit and better Security of the Suitors of the Court of Exchequer," or to an Account intituled "The Account of further Money placed out for the Benefit and better Security of the Suitors of the Court of Exchequer," shall be transferred by the Governor and Company of the Bank of *England* into the Name of the Accountant General for the Time being of the said Court of Chancery, and be placed to the Credit of the Account now standing in his Name, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and shall be in all respects deemed Part of the Funds standing to such Account, and be applied accordingly.

XII. And be it enacted, That all the Funds which on the said Fifteenth Day of *October* One thousand eight hundred and forty-one shall be standing in the Name of the Accountant General of the said Court of Exchequer to an Account, intituled "The Redemption Fund of the Suitors of the Court of Exchequer," shall be transferred by the Governor and Company of the Bank of *England* into the Name of the Accountant General for the Time being of the High Court of Chancery, and be placed to the Credit of the Account now standing in his Name, intituled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and shall in all respects be deemed Part of such Fund, and be applied accordingly.

XIII. And be it enacted, That in every Case in which, by virtue of any Act or Acts of Parliament, or otherwise, any Sum or Sums of Money would, on or after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, be payable by any Person or Persons, or Body Politic or Corporate, into the Bank of *England*, in the Name or with the Privy of the Accountant General of the Court of Exchequer, and which, when paid in accordingly, would be subject to the Order of the said Court of Exchequer sitting as a Court of Equity, the same Sum and Sums shall be payable and paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account to the like Credit as the same would have been payable if this Act had not passed, but subject to the Order of the said Court of Chancery; and that in every Case in which any Money, Funds, Annuities, or Securities, or other Property, would, on or after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, be payable or transferable into the Name of or become vested in the Accountant General of the said Court of Exchequer, and which, when paid or transferred accordingly, would be subject to the Order of the same Court sitting as a Court of Equity, the same Money, Funds, Annuities, Securities, and other Property shall be paid, transferable, and transferred into the Name of or vested in the Accountant General of the said Court of Chancery, in Trust to attend the Order of the said Court of Chancery, and the same shall be applicable to the same Purposes as the same would have been applicable if this Act had not passed, except where otherwise directed by this Act; and that all Money, Funds, Annuities, Securities,

cery to be placed to the Account of "Monies placed out," &c.

Certain other Funds transferred to be placed to the "Account of Securities purchased with surplus Interest" &c.

Money directed to be paid to Credit of Accountant General of Court of Exchequer payable to Credit of Accountant General of Court of Chancery.

Stocks, &c. transferrable into the Name of Accountant General of the Court of Exchequer to become transferrable into the Name of Accountant General of Court of Chancery.

and

and Property which shall be so paid and transferred into the Name of the said Accountant General of the Court of Chancery, and which, before the passing of this Act, or in case this Act had not passed, were paid or transferred, or would have been payable or transferrable, to the Accountant General of the Court of Exchequer, by virtue of any Act or Acts already passed or hereafter to be passed, or other Authority whatsoever, shall be held subject to such or the like Orders and Directions of the said Court of Chancery, and subject to such Powers and Provisions, as the same would have been subject to in case the same had been originally directed or authorized to have been paid and transferred into the Name of the Accountant General of the said Court of Chancery, and had been made originally subject to the Orders and Directions of the last-mentioned Court; and the Orders and Directions of the said Court of Chancery relating thereto shall have the same Force and Effect as any like Orders and Directions of the Court of Exchequer relating thereto would have had if this Act had not passed.

Court to make Orders as to the arranging of Balances with the Bank, &c.

XIV. And be it enacted, That it shall be lawful for the Lord Chancellor to make such Orders from Time to Time as to him shall seem meet with respect to the Time and Manner of arranging the Balances of the Accountant General of the said Court of Chancery with the Bank of *England*, and generally for carrying this Act into complete Effect, so far as the same relates to the Business of the Office of the said Accountant General and the Report Office, and the Transfer of Property from the Accountant General of the Court of Exchequer to the Accountant General of the Court of Chancery; any thing in any Act or Acts now in force to the contrary thereof notwithstanding.

Certain Offices of the Court of Exchequer abolished.

XV. And be it enacted, That on the said Fifteenth Day of *October* One thousand eight hundred and forty-one the Offices of Accountant General of the Court of Exchequer, Master on the Equity Side of the Court of Exchequer, Clerk to the Masters on the Equity Side of the same Court, Clerk to the Accountant General, and Clerk of the Reports of the Court of Exchequer, and Clerk Examiner to the Barons of the same Court, shall be abolished.

Proportionate Parts of Salaries of Officers of Court of Exchequer up to 15th Oct. 1841 to be paid.

XVI. And be it enacted, That, out of the Funds which on the Fourteenth Day of *October* One thousand eight hundred and forty-one shall be standing in the Name of the Accountant General of the said Court of Exchequer to an Account, intituled "Account of Interest arising from Monies placed out for the Benefit and better Security of the Suitors of the Court of Exchequer in pursuance of an Act of the First Year of the Reign of King *George* the Fourth," there shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Court of Exchequer, or of the Lord Chief Baron of the same Court, to be made for that Purpose, to the several Officers on the Equity Side of the said Court of Exchequer now entitled to Salaries payable out of the said Funds, such proportionate Parts of their respective Salaries as shall accrue from the last Day of Payment thereof to the Fifteenth Day of *October* One thousand eight hundred and forty-one, or so much of the same proportionate Parts respectively as the Funds which on the said Fourteenth Day

of *October* shall be standing to the Account last aforesaid shall be sufficient to satisfy.

XVII. And be it enacted, That all the Bills, Answers, Decrees, Affidavits, and Proceedings of the said Court of Exchequer as a Court of Equity, and under such Acts of Parliament as aforesaid (except as aforesaid), and all Decrees and Minute Books, and all other Books and Documents whatsoever, relating exclusively to Proceedings in the said Court of Exchequer as a Court of Equity, and under such Acts of Parliament as aforesaid (except as aforesaid), shall on the said Fifteenth Day of *October* One thousand eight hundred and forty-one, or as soon after as conveniently may be, be delivered, by the several Officers of the said Court of Exchequer now having the Custody of the same, to such Person or Persons as shall be appointed by the Master of the Rolls to receive and take charge of the same, by Warrant under his Hand, approved of and countersigned by the Lord Chancellor; and that from and after such Delivery the same Bills, Answers, Decrees, and other Proceedings shall be deemed Records of the Court of Chancery in the Custody of the Master of the Rolls, subject to the Provisions of an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for keeping safely the Public Records*.

Proceedings of Court of Exchequer as a Court of Equity to be delivered to such Persons as the Master of the Rolls, by Warrant, shall direct; and deemed Records of Court of Chancery, subject to 1 & 2 Vict. c. 94.

XVIII. And be it enacted, That all the Duties now performed by the Accountant General of the Court of Exchequer, and the Masters on the Equity Side of the Court of Exchequer with respect to Revenue Business depending in the same Court otherwise than as a Court of Equity, shall from Time to Time from and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one be performed by the Queen's Remembrancer for the Time being, who shall, with respect to such Business, stand and be in the Place of the Accountant General of the said Court of Exchequer, and the Masters on the Equity Side of the same Court, to all Intents and Purposes whatsoever: Provided always, that it shall be lawful for the said Court of Exchequer to make such Orders from Time to Time as to the same Court shall seem meet for regulating the Duties so to be performed by the Queen's Remembrancer for the Time being, especially having regard to the Abolition by this Act of the Office of Clerk of the Reports of the said Court of Exchequer.

Duties of Accountant General and Masters in Revenue Business to be performed by Queen's Remembrancer.

Proviso.

XIX. 'And whereas the Business of the Court of Chancery has of late Years greatly increased, and by reason of the Transfer to the Court of Chancery of the Equitable Jurisdiction of the Court of Exchequer further Duties will devolve on the Court of Chancery, and it is therefore expedient, for the better Administration of Justice in the said Court of Chancery, that Two additional Judges should be appointed to assist in the Discharge of the judicial Functions of the Lord Chancellor;' be it therefore enacted, That it shall be lawful for Her Majesty to nominate and appoint, by Letters Patent under the Great Seal of the United Kingdom, Two fit Persons, being or having been respectively Barristers-at-Law of Fifteen Years standing at the least, to be additional Judges Assistant to the Lord Chancellor in the Discharge of the judicial Functions of his Office, each of such additional Judges to be called Vice Chancellor.

Her Majesty empowered to appoint Two additional Judges Assistant to the Lord Chancellor, to be respectively called Vice Chancellor.

XX. And

Power to supply Vacancies in Office of Vice Chancellor first appointed under this Act ;

XX. And be it enacted, That from Time to Time when and as any Vacancy shall occur in the Office of the Vice Chancellor who shall be first appointed under the Authority of this Act, by the Death, Resignation, or Removal from Office of such Vice Chancellor or his Successor for the Time being, it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to appoint a fit Person, being or having been a Barrister-at-Law of Fifteen Years standing at the least, to supply such Vacancy.

but not of second appointed.

XXI. Provided always, and be it enacted, That nothing herein contained shall authorize the Appointment of a Successor to the Vice Chancellor secondly appointed under the Authority of this Act.

Powers of Vice Chancellor.

XXII. And be it enacted, That each such Vice Chancellor shall have full Power to hear and determine all Causes, Matters, and Things which are or shall be at any Time depending in the Court of Chancery in *England*, either as a Court of Law or as a Court of Equity, or incident to any ministerial Office of the said Court, or which have been or shall be submitted to the Jurisdiction of the said Court or of the Lord Chancellor by the special Authority of any Act of Parliament, as the Lord Chancellor shall from Time to Time direct ; and all Decrees, Orders, and Acts of such Vice Chancellor so made or done shall be deemed and taken to be respectively, as the Nature of the Case shall require, Decrees, Orders, and Acts of the said Court of Chancery, or of such incident Jurisdiction as aforesaid, or under such special Authority as aforesaid, and shall have Force and Validity and be executed accordingly, subject nevertheless in every Case to be reversed, discharged, or altered by the Lord Chancellor ; and no such Decree or Order shall be enrolled until the same shall be signed by the Lord Chancellor : Provided always, that no such Vice Chancellor shall have Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by any other Vice Chancellor to be appointed under this Act, not being a Predecessor in Office of such Vice Chancellor, nor any Decree, Order, Act, Matter, or Thing made or done by any Lord Chancellor, unless authorized by the Lord Chancellor so to do, nor any Power or Authority to discharge, reverse, or alter any Decree, Order, Act, Matter, or Thing made or done by the Master of the Rolls or the Vice Chancellor for the Time being appointed in pursuance of an Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice*, or any Order, Act, Matter, or Thing made or done by the Court of Review in Bankruptcy.

Decrees, &c. to be deemed Decrees, &c. of the Court of Chancery.

Powers of Vice Chancellor limited.

53 G. 3. c. 24.

Vice Chancellor to sit in Absence of Lord Chancellor or in a separate Court.

XXIII. And be it enacted, That each or either of the Vice Chancellors to be appointed in pursuance of this Act shall sit for the Lord Chancellor whenever he shall require him so to do, and shall also, at such other Times as the Lord Chancellor shall direct, sit in a separate Court, whether the Lord Chancellor or the Master of the Rolls, or the Vice Chancellor appointed in pursuance of the said Act, shall be sitting or not, for which Purpose the Lord Chancellor shall make such Orders as to him shall appear to be proper and convenient, from Time to Time as Occasion shall require.

XXIV. And

XXIV. And be it enacted, That every Person holding or who shall have held the Office of Vice Chancellor under this Act shall, if a Member of Her Majesty's Privy Council, be a Member of the Judicial Committee of the Privy Council.

Vice Chancellor may be of Judicial Committee.

XXV. And be it enacted, That the Vice Chancellors to be appointed in pursuance of this Act shall, during the Continuance in Office of the present Vice Chancellor, respectively have Rank and Precedence next to the Lord Chief Baron of Her Majesty's Court of Exchequer at *Westminster*; and that the Vice Chancellor to be appointed in pursuance of the said Act passed in the Fifty-third Year of the Reign of King *George* the Third, and the Vice Chancellors to be appointed in pursuance of this Act, shall, after the Death of the present Vice Chancellor, or his Resignation or Removal from his Office respectively, have Rank and Precedence next to the Lord Chief Baron of the Court of Exchequer at *Westminster*, and, as between themselves, shall have Rank and Precedence according to Seniority of Appointment to their respective Offices.

Rank and Precedence next after the Lord Chief Baron of the Exchequer.

XXVI. And be it enacted, That it shall be lawful for Her Majesty, in and by such Letters Patent as aforesaid, or in and by any other Letters Patent under the Great Seal of the United Kingdom, to direct that each such Vice Chancellor to be appointed in pursuance of this Act shall have a Secretary, Usher, and Trainbearer, to be from Time to Time appointed and removed by such Vice Chancellor at his Pleasure; and that the Secretaries, Registrars, and other Officers appointed to attend the Lord Chancellor shall attend each such Vice Chancellor when sitting for the Lord Chancellor, and also when sitting in his separate Court, as Circumstances shall require, and as the Lord Chancellor shall order and direct.

Secretary, Usher, and Trainbearer.

XXVII. And be it enacted, That each of the Vice Chancellors to be appointed under this Act shall hold his Office during his good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Vice Chancellor from his Office upon an Address of both Houses of Parliament.

Vice Chancellor's Tenure of Office.

XXVIII. And be it enacted, That every Vice Chancellor to be appointed in pursuance of this Act shall, previous to his executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

Vice Chancellor to take the following Oath.

'I do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Vice Chancellor.

'So help me GOD.'

XXIX. And be it enacted, That from and after the Appointment of the Vice Chancellors under this Act it shall be lawful for the Lord Chancellor, with the Advice or Consent of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, and he is hereby authorized and empowered, to do all such Acts, and to make and issue all such Rules and Orders, as by any Act or Acts of Parliament now in force the Lord Chancellor, with the Advice or Consent of the Master of the Rolls and the Vice Chancellor for the Time being, or One of them, is empowered to do, make, or issue.

Lord Chancellor empowered to make Orders, &c.

Lord Chancellor and Master of the Rolls may direct by whom Causes, &c. depending before the latter shall be heard.

XXX. And be it enacted, That it shall be lawful for the Lord Chancellor and the Master of the Rolls from Time to Time to direct that any Causes or Matters which shall be at any Time or Times depending for Hearing or Determination before the Master of the Rolls for the Time being shall be heard and determined by the Lord Chancellor, or by One of the Vice Chancellors for the Time being, and to direct that any Causes or Matters which shall be at any Time or Times depending for Hearing before the Lord Chancellor shall be heard and determined by the Master of the Rolls for the Time being; but all Decrees and Orders to be made by the Master of the Rolls or by any Vice Chancellor in pursuance of such Direction shall be subject to be reversed, discharged, or altered by the Lord Chancellor.

Power to Lord Chancellor, &c. to reverse, &c. Orders of the Court of Exchequer.

XXXI. And be it enacted, That the Lord Chancellor, the Master of the Rolls, and the Vice Chancellors respectively shall, from and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, have such and the same Power to reverse, discharge, or alter Decrees or Orders of the said Court of Exchequer in Suits and Matters hereby transferred to the said Court of Chancery as they would have had if the same Decrees or Orders had been made by them respectively, or by their respective Predecessors in Office, in Suits or Matters depending in the said Court of Chancery: Provided always, that any Decree or Order of the Master of the Rolls, or One of the Vice Chancellors, reversing, discharging, or altering any Decree or Order of the said Court of Exchequer, shall be subject to be reversed, discharged, or varied by the Lord Chancellor.

Appointment of Richard Richards, Esquire, to be a Master in Chancery.

XXXII. And be it enacted, That *Richard Richards* Esquire, the present Accountant General, and One of the Masters of the said Court of Exchequer, shall, on the said Fifteenth Day of *October* One thousand eight hundred and forty-one, become by force of this Act a Master in Ordinary of the High Court of Chancery, in addition to the present Masters in Ordinary of the said Court of Chancery, with the like Privileges, Duties, Powers, Authority, and Jurisdiction which are now vested in or may be exercised by a Master in Ordinary of the said Court of Chancery; and he and his Successors shall take the usual Oaths before the Lord Chancellor, in like Manner as the same are at present administered to Masters in Ordinary of the said Court of Chancery; and that all References which on the said Fifteenth Day of *October* shall be depending before the Masters on the Equity Side of the said Court of Exchequer shall be by force of this Act transferred to the said *Richard Richards* as a Master in Ordinary of the said Court of Chancery, and such other References shall also be made to the said *Richard Richards* by the said Court of Chancery as the Lord Chancellor shall by any General Order from Time to Time direct.

Certain depending References transferred to him, &c.

Her Majesty may appoint Successors to Mr. Richards.

XXXIII. And be it enacted, That upon the Death, Resignation, or Removal from Office of the said *Richard Richards*, and upon the Death, Resignation, or Removal from Office of any of his Successors, it shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of the United Kingdom, to appoint a fit and proper Person to supply such Vacancy.

XXXIV. And

XXXIV. And be it enacted, That *Neal Buckland*, the present Clerk to the Masters and Accountant General of the Court of Exchequer, shall, on the said Fifteenth Day of *October* One thousand eight hundred and forty-one, become by force of this Act Chief Clerk to the said *Richard Richards* and his Successors, as Master in Ordinary of the said Court of Chancery; and that it shall be lawful for the said *Richard Richards* to appoint a Junior Clerk; and that on any Vacancy in such Offices of Chief Clerk and Junior Clerk respectively such Vacancy shall be supplied as Vacancies in the Offices of Chief Clerk and Junior Clerk to the Masters are now or may for the Time being be supplied; and such Chief Clerk and Junior Clerk respectively shall perform all the same Duties with respect to the Receipt and Payment of Fees, and in all other respects, as the Chief Clerks and Junior Clerks of the Masters in Ordinary of the said Court of Chancery respectively now do or may for the Time being perform, and shall hold their respective Offices in like Manner as such Chief Clerks and Junior Clerks respectively now do or may for the Time being hold their respective Offices; and that it shall be lawful for such Junior Clerk for the Time being to receive and take such Money for copying Documents or Writings as may for the Time being be taken by the Junior Clerks to the Masters of the said Court of Chancery.

N. Buckland, present Clerk to the Masters in Exchequer, to be Chief Clerk to Mr. Richards, who may also appoint a Junior Clerk, &c.

XXXV. And be it enacted, That, out of the Interest and Dividends that have arisen or may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed in the Name of the Accountant General of the said Court of Chancery to the Two Accounts, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them, there shall be paid (but subject and without prejudice to the Payment of all Salaries or Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout), by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Court of Chancery to be made from Time to Time for that Purpose, without any Draft from the Accountant General, the several Salaries herein-after mentioned; (that is to say,) the net yearly Sum of Five thousand Pounds to each Vice Chancellor for the Time being to be appointed under this Act, the net yearly Sum of Three hundred Pounds to his Secretary, the net yearly Sum of Two hundred Pounds to his Usher, the net yearly Sum of One hundred Pounds to his Trainbearer, and the net yearly Sum of Two thousand five hundred Pounds to the said *Richard Richards* and his Successors in the said Office of Master in Ordinary of the said Court of Chancery; which Salaries shall be free from all Taxes, Deductions, and Abatements whatsoever out of the same, or any Part thereof, and (except the Salary of the said *Richard Richards* and his Successors) shall be paid quarterly, on the Eleventh Day of *January*, the Eleventh Day of *April*, the Eleventh Day of *July*, and the Eleventh Day of *October* in every Year, by equal Portions; and the first of such Payments to each

Salaries to Vice Chancellor and his Officers, and to Master, to be paid out of the Interest and Dividends arising from Suitors Fund.

such Vice Chancellor and his Officers respectively, or a proportionate Part thereof, to be computed from the Time of the Appointment of such Vice Chancellor, shall be made on such of the same Days of Payment as shall first happen after the Date of the Letters Patent appointing such Vice Chancellor; and the said Salary to the said *Richard Richards* and his Successors shall be paid quarterly, on the Twenty-fifth Day of *February*, the Twenty-fifth Day of *May*, the Twenty-fifth Day of *August*, and the Twenty-fifth Day of *November* in every Year, by equal Portions, the first of such quarterly Payments to the said *Richard Richards* and his Successors, or a proportionate Part thereof, to be computed from the Time of his Appointment, to be made on such of the same Days of Payment as shall first happen after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, or after the Date of the Letters Patent appointing such Successor, as the Case may be; and that upon the Resignation, Death, or Removal from Office of any such Vice Chancellor, Master, Secretary, Usher, and Trainbearer respectively, such Vice Chancellor, Master, Secretary, Usher, or Trainbearer respectively, or their respective Executors and Administrators, as the Case may be, shall be paid such proportionate Part of their respective Salaries aforesaid as shall have accrued from the Times of the Commencement of such Salaries respectively, or from the last quarterly Day of Payment thereof to the Time of such Resignation, Death, or Removal from Office; and that the succeeding Vice Chancellor, Master, Secretary, Usher, or Trainbearer respectively shall be paid such proportionate Part of their respective Salaries as shall be accruing or shall accrue from the Day of the Resignation, Death, or Removal from Office of the preceding Vice Chancellor, Master, Secretary, Usher, or Trainbearer respectively.

Her Majesty empowered to grant an Annuity to a Vice Chancellor on his Resignation.

XXXVI. And be it enacted, That it shall be lawful for Her Majesty, by any Letters Patent under the Great Seal of the United Kingdom, to give and grant unto any Person executing the Office of Vice Chancellor in pursuance of this Act an Annuity not exceeding Three thousand five hundred Pounds, to commence and take effect immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Vice Chancellor, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be issued and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, next in order of Payment to, and after paying and reserving sufficient to pay, all such Sums of Money as by any Act or Acts of Parliament now in force have been directed to be paid thereout, but with preference to all other Payments which shall hereafter be charged upon or payable out of the same Fund; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, on the Four usual Days of Payment in the Year; (that is to say,) the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, by equal Portions; and the first quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on such of the same Days as shall next happen after

the Resignation of the said Office; and that the Executors or Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death: Provided always, that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Three thousand five hundred Pounds: Provided also, that no Annuity granted to any Person having executed the Office of Vice Chancellor under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of a Judge in One or more of Her Majesty's Superior Courts of Common Law at *Westminster*, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Such Annuity may be limited as herein mentioned.

Period of Service.

XXXVII. And be it enacted, That from and after the Death, Resignation, or Removal of the present Vice Chancellor of *England* the Salary payable to the Vice Chancellor for the Time being appointed under the said Act passed in the Fifty-third Year of the Reign of King *George* the Third shall be reduced to the yearly Sum of Five thousand Pounds, and the Salary of his Secretary shall be reduced to the yearly Sum of Three hundred Pounds; and that no greater Annuity chargeable upon the Consolidated Fund than the Annuity of Three thousand five hundred Pounds shall be granted by Her Majesty to any Person executing the Office of Vice Chancellor, to take effect upon his resigning such Office, other than the present Vice Chancellor.

Regulating future Salaries of Vice Chancellor appointed under 53 G. 3. c. 24.

XXXVIII. 'And whereas by an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery*, Six Registrars of the said Court of Chancery were appointed, and Provision was thereby made for filling up Vacancies in the Office of Registrar of the said Court: And whereas it is expedient and necessary that the Number of Registrars of the said Court of Chancery should be increased; be it therefore enacted, That from and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one there shall be Ten Registrars of the said Court; and that *Edward Dod Colville* Esquire, the present First Registrar of the Court of Chancery; *Joseph Collis* Esquire, the present Second Registrar of the Court of Chancery; *Robert Oneby Walker* Esquire, the present Third Registrar of the Court of Chancery; *Francis Henry Davis* Esquire, one of the present Sworn Clerks of the Court of Exchequer; *Henry Edgeworth Bicknell* Esquire, the present Fourth Registrar of the Court of Chancery; *Henry Hussey* Esquire, the present Fifth Registrar of the Court of Chancery; *Hugh Wood* Esquire, one of the present Sworn Clerks of the Court of Exchequer; *Francis Robert Bedwell* Esquire,

Number of Registrars increased to Ten. 3 & 4 W. 4. c. 94.

Provisions for
filling up Va-
cancies.

Esquire, the present Sixth Registrar of the Court of Chancery; *Cecil Monro* Esquire, the present First Clerk to the Registrars of the Court of Chancery; and *Edward Dod Colville* junior, Esquire, the present Second Clerk to the Registrars of the said Court of Chancery, shall be such Ten Registrars, and shall rank in the Order and Course in which they are herein respectively named; and that (subject nevertheless to the Provisions herein-after contained) on the Death, Resignation, Promotion, or Removal of any of the Ten Registrars of the said Court of Chancery, other than the junior of the same Registrars, the Vacancy thereby occasioned shall be filled up by the Registrar next in Seniority, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made, or by the senior of the Clerks to the Registrars for the Time being, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made, in case the junior of the same Registrars for the Time being, but for some sufficient Objection to the Satisfaction of the Lord Chancellor being made, would have been the Person to supply such Vacancy; and that on the Death, Resignation, Promotion, or Removal of the junior Registrar for the Time being, the Vacancy thereby occasioned shall be filled up by the senior of the Clerks to the Registrars for the Time being, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made; and that each of such Persons so appointed to be Registrars, and all and every Persons and Person hereafter to be appointed to be such Registrars or Registrar, shall be and are hereby authorized, empowered, and required personally to do and perform all such Acts, Deeds, Matters, and Things necessary and proper in the due Execution of their said Offices as belong or appertain thereto, with respect to the Receipt and Payment of Fees, and in all other respects, except so far as the same may be altered or varied by any Rules or Orders to be made or issued by the Lord Chancellor relative thereto.

Registrars to
attend each
Judge of the
Court as the
Lord Chancel-
lor, &c. shall
direct.

In case of Ill-
ness they may
appoint a De-
puty.

XXXIX. And be it enacted, That the Registrars of the said Court of Chancery shall attend the Court of the Lord Chancellor, the Court of the Master of the Rolls, the Court of the Vice Chancellor appointed in pursuance of the said Act passed in the Fifty-third Year of the Reign of King *George* the Third, and the Courts of the Vice Chancellors to be appointed under this Act, in such Order and Manner as shall be found most expedient for furthering the Business of the Court, and as the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, shall from Time to Time by any General Order direct; and that in case of Illness it shall be lawful for any of such Registrars, from Time to Time as Occasion may require, to appoint a Deputy, such Deputy, and also the Occasion for such Appointment, to be first approved by the Lord Chancellor, upon a Petition, to be verified by Affidavit, for such Time and under such general Regulations as the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, shall direct; and no such Appointment of a Deputy shall continue for any longer Time than shall be allowed and specified in and by the Order which shall be made by the Lord Chancellor upon such

such Petition : Provided, that in case any Registrar of the said Court who shall be prevented by Illness from giving his personal Attendance shall omit for the Space of Two Days to appoint such Deputy, the Lord Chancellor shall, if he shall see fit, himself appoint such Deputy, and direct what Part of the Salary of such Registrar shall be received by such Deputy, and the same shall be paid over to and received by him accordingly.

On failure of Appointment for Two Days, Lord Chancellor to appoint.

XL. And be it enacted, That from and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one there shall be Twelve Clerks to the Registrars of the said Court of Chancery ; and *Richard-Howell Leach*, the present Third Clerk to the Registrars of the Court of Chancery ; *Percival Bedwell*, the present Fourth Clerk to the Registrars of the said Court of Chancery ; *Henry Latham*, the present Fifth Clerk to the Registrars of the Court of Chancery ; *James Thomas Fry*, the present Sixth Clerk to the Registrars of the said Court of Chancery ; *Thomas Ellis Adlington*, one of the present Sworn Clerks of the Court of Exchequer ; *Francis Henry Rich*, one of the present Side Clerks of the Court of Exchequer ; *Frederick Metcalfe*, the present Seventh Clerk to the Registrars of the Court of Chancery ; *John Lewis Merivale*, the present Eighth Clerk to the Registrars of the Court of Chancery ; *Frank Milne*, one of the present Side Clerks of the Court of Exchequer ; and Three Persons, duly qualified, to be appointed by the Lord Chancellor, shall be such Twelve Clerks to the Registrars of the Court of Chancery, and, as to the Persons herein named, shall rank in the Order and Course in which they are herein respectively named ; and that (subject nevertheless to the Provisions herein-after contained) on the Death, Resignation, Promotion, or Removal of any of the Twelve Clerks to the Registrars of the said Court of Chancery, other than the junior Clerk, the Vacancy thereby occasioned shall be filled up by the Clerk next in Seniority, to whom no sufficient Objection to the Satisfaction of the Lord Chancellor shall be made, or by any Person who, under the Provision herein-after contained, shall be eligible to the Office of Twelfth Clerk, in case the Twelfth Clerk for the Time being, but for some sufficient Objection to the Satisfaction of the Lord Chancellor being made, would have been the Person to supply such Vacancy.

Clerks to the Registrars increased to Twelve.

Vacancies to be filled up by Seniority.

XLI. And be it enacted, That the Lord Chancellor shall appoint some proper Person who shall have been admitted and entered on the Roll of Solicitors or Attornies of some one of Her Majesty's Courts in *Westminster Hall*, or who shall have duly served a Term of not less than Five Years under Articles of Clerkship to some Solicitor or Attorney of some one of the said Courts, to be Tenth, Eleventh, and Twelfth Clerk to the said Registrars, and shall in like Manner supply Vacancies in the Office of Twelfth Clerk to the Registrars whenever the same shall happen.

Lord Chancellor to appoint 10th, 11th, and 12th Clerk, and to fill up Vacancies in Office of 12th Clerk.

XLII. And be it enacted, That if it shall hereafter appear to the Lord Chancellor that the Business of the Registrars Office cannot be discharged with due Despatch without more than Twelve Clerks, then and in such Case it shall be lawful for the Lord Chancellor from Time to Time to appoint One or more additional Clerk or Clerks to the Registrars, being a Person or Persons

Lord Chancellor empowered to increase the Number of Clerks in the Registrars Office.

who, under the Provisions of this Act, shall be eligible to the Office of Twelfth Clerk to the Registrars; and such additional Clerk or Clerks shall succeed to and fill any Vacancy when and as the same may occur by any Death, Resignation, Promotion, or Removal [of any other Clerk to the Registrars, in the same Manner as the Right of Succession is given to the before-named Clerks, but subject in all Cases to Cause being shown to the contrary to the Satisfaction of the Lord Chancellor.

Preserving
Rights of pre-
sent Registrars
and Clerks.

XLIII. Provided always, and be it enacted, That the present Registrars and Clerks to the Registrars of the said Court of Chancery, other than the said *Francis Robert Bedwell* and *Edward Dod Colville* junior, shall respectively have such and the same Right of Succession to the Offices of First Registrar, Second Registrar, Third Registrar, Fifth Registrar, Sixth Registrar, Ninth Registrar, Senior Clerk to the Registrars, Second Clerk to the Registrars, Third Clerk to the Registrars, and Fourth Clerk to the Registrars, as, under the said Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, they would have had to the Offices of Registrars and Clerks to the Registrars appointed by or under the same Act, if this Act had not passed, and the said *Francis Robert Bedwell* had ceased to be a Registrar, and the said *Edward Dod Colville* junior had ceased to be Clerk to the Registrars, and had not become Registrar.

Proviso as to
Succession of
Sworn Clerks,
&c.

XLIV. Provided also, and be it enacted, That such of the present Sworn Clerks and Side Clerks of the Court of Exchequer as are hereby appointed Registrars or Clerks to the Registrars of the said Court of Chancery, and the said *Francis Robert Bedwell* and *Edward Dod Colville* junior, shall have such and the same Right of Succession to the Offices of Fourth Registrar, Seventh Registrar, Eighth Registrar, Tenth Registrar, Fifth Clerk to the Registrars, and Sixth Clerk to the Registrars, as, under the said Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, they would have had to the Offices of Registrars and Clerks to the Registrars appointed by or under the same Act, in case Four Registrars only, and Three Clerks to the Registrars only, had been appointed by the same Act, and the said Sworn Clerks and Side Clerks, and the said *Francis Robert Bedwell* and *Edward Dod Colville* junior, had been appointed to the same Offices respectively in the Order in which they are hereby appointed.

Office of Master
of Reports and
Entries.

XLV. And be it enacted, That the several Registrars of the said Court of Chancery and the Clerks to the Registrars shall, in the Event of a Vacancy in the Office of Master of the Reports and Entries, according to their Seniority, be entitled to succeed; but any such Registrar or Clerk so taking such Office shall vacate his Office of Registrar or Clerk, and shall not be entitled to fill either of such Offices, or to succeed to any other Registrar or Clerk: Provided always, that the present Registrars and Clerks to the Registrars shall have such and the same Right of Succession to the same Office as they would have had under the said Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth if this Act had not passed.

Duties of Re-
gistrars Clerks.

XLVI. And be it enacted, That the several Clerks to the said Registrars appointed and to be appointed under this Act shall personally

sonally perform all such Matters and Things as are necessary and proper in the due Execution of the Business of the said Office of the Registrars, and as are now done and performed by the Clerks to the Registrars of the said Court of Chancery, with respect to the Receipt and Payment of Fees, and in all other respects, excepting so far as the same shall be varied by any Rules or Orders to be made or issued by the Lord Chancellor relative thereto.

XLVII. And be it enacted, That it shall be lawful for the Lord Chancellor to appoint One or more Person or Persons, removeable at Pleasure, for the Purpose of keeping Order in the Courts of the Vice Chancellors to be appointed under the Authority of this Act.

Lord Chancellor may appoint Court-keepers.

XLVIII. And be it enacted, That the Masters in Ordinary, Registrars, and Clerks to the Registrars, appointed and to be appointed under this Act, shall hold their respective Offices during their good Behaviour, and so long as they shall personally give their Attendance upon their respective Duties, and shall conduct themselves honestly and faithfully in the due Execution of the Duties of their said Offices respectively; and that they, and all other Persons holding any Office, Situation, or Employment in any Office of the said Court of Chancery, or under any of the Judges or Officers thereof, under this Act, shall be subject or liable to such and the same Prohibitions, Prosecutions, Penalties, and Punishments as are by the said Act passed in the Fourth Year of the Reign of King *William* the Fourth imposed or directed with respect to the Masters in Ordinary of the said Court of Chancery, and other Persons holding any Office, Situation, or Employment in the same Court, or under any of the Judges or Officers thereof, in the same Manner as if the Enactments therein contained relating to such Masters and other Officers of the said Court respectively were here repeated.

Masters, Registrars, and Clerks to Registrars, to hold their Offices during good Behaviour, and, with other Officers, to be subject to Prohibitions, &c.

XLIX. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them, by any Order, to remove from his Office any Officer for the Time being of the said Court of Chancery holding Office during good Behaviour (other than a Master in Ordinary), for some sufficient Cause, to be in such Order expressed; and that any Officer, Clerk, or Messenger appointed or to be appointed under the Authority of an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for facilitating the Administration of Justice in the Court of Chancery*, shall be removeable at the Pleasure of the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellors for the Time being, or any Two of them.

Power to Lord Chancellor to remove Officers, &c.

3 & 4 Vict. c. 94.

L. And be it enacted, That, out of the Interest and Dividends that have arisen or may arise from the Government or Parliamentary Securities now or hereafter to be placed, in the Name of the Accountant General of the said Court of Chancery, to the Two Accounts, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the

Provision for certain Expenses and Salaries.

the

the High Court of Chancery," or either of them, (but subject and without Prejudice to the Payment of all Salaries or Sums of Money by any Act or Acts now in force directed or authorized to be paid thereout,) there shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Court of Chancery to be made from Time to Time for that Purpose, the Salaries and Sums following; (that is to say,) such Sums as the Lord Chancellor shall think reasonable to be paid to such Persons as he shall in any Order in that Behalf name, for Work done, or Monies expended in transferring the Accounts heretofore kept by the Accountant General of the said Court of Exchequer to the Books of the Accountant General of the said Court of Chancery, and in otherwise carrying into effect the Provisions of this Act in that Behalf, and also the yearly Salary of Forty Pounds to each Person to be appointed under this Act to keep Order in the Courts of the Vice Chancellors, the same Salaries to be paid quarterly on such Days and in such Manner as the Lord Chancellor shall by any Order in that Behalf direct; and also such Sum or Sums of Money, not exceeding in the whole the Sum of Five thousand Pounds, as the Lord Chancellor shall think reasonable, for Expences to be incurred in Alterations or Improvements of the Offices of the Registrars, Accountant General, and Masters of the said Court of Chancery, or any other of the Offices of the same Court, for the Purpose of rendering the same fit for the convenient Reception and Occupation of the several additional Officers of the said Court appointed or to be appointed under the Authority of this Act, or generally for Expences to be incurred in carrying this Act into effect; and also such annual Sum or Sums of Money as the Lord Chancellor shall think reasonable for the Rent of any Buildings or Rooms which may be taken for any Officers of the Lord Chancellor or of the Court of Chancery.

Repeal of certain Provisions of 3 & 4 W. 4. c. 94.

LI. And be it enacted, That so much of the said Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth as directs the Payment of Salaries to the Registrars and Clerks to the Registrars of the said Court of Chancery shall, from and after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, be repealed: Provided always, that on the said Fifteenth Day of *October* One thousand eight hundred and forty-one such proportionate Part of the same Salaries respectively as shall have accrued since the last quarterly Day of Payment thereof to the said Fifteenth Day of *October* shall be paid to the Registrars and Clerks to the Registrars under the said last-mentioned Act out of the Fund placed to the Credit of the Accountant General of the said Court of Chancery, intituled "The Suitors Fee Fund Account," by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the said Court of Chancery to be made for that Purpose.

Salaries to Registrars and Clerks, and Masters Clerks, to be paid out of the Suitors Fee Fund.

LII. And be it enacted, That, out of the Fund placed to the Credit of the Accountant General of the said Court of Chancery, intituled "The Suitors Fee Fund Account," there shall be paid (but subject and without Prejudice to the Payment of all Salaries and Sums of Money which by any Act or Acts now in force are authorized to be paid thereout), by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the said

said Court of Chancery to be from Time to Time made for that Purpose, to the several Officers named in the Third Schedule to this Act, the several Salaries or yearly Sums set opposite to their respective Names or Titles in such Schedule; and that such Salaries or yearly Sums shall be payable and paid, free from Taxes and Deductions, by equal quarterly Payments, on the Twenty-fifth Day of *February*, the Twenty-fifth Day of *May*, the Twenty-fifth Day of *August*, and the Twenty-fifth Day of *November* in every Year, a proportionate Part of the first of such quarterly Payments, to be computed from the said Fifteenth Day of *October* One thousand eight hundred and forty-one, to be made on the Twenty-fifth Day of *November* One thousand eight hundred and forty-one; and that upon the Resignation, Death, or Removal from Office of any such Officer, such Officer, or his Executors or Administrators, as the Case may be, shall be paid such proportionate Part of the Salary aforesaid as shall have accrued since the last quarterly Payment thereof to the Time of such Resignation, Death, or Removal from Office, and that the succeeding Officer shall be paid such proportionate Part of the Salary as shall be accruing or shall accrue from the Day of the Resignation, Death, or Removal from Office of the preceding Officer for the Time being.

LIII. And be it enacted, That, out of the said Fund placed to the Credit of the Accountant General of the said Court of Chancery, intituled "The Suitors Fee Fund Account," (but subject and without Prejudice as aforesaid,) there shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the said Court of Chancery to be from Time to Time made for that Purpose, to each of the Registrars of the said Court of Chancery for the Time being (other than the present Six Registrars of the said Court), in addition to their respective Salaries, the yearly Sum of One hundred Pounds, so long as such Registrar shall be liable to the Expence of copying the Decrees and Orders of the said Court, and the Minutes of such Decrees and Orders, and to the said *Frank Milne* as long as he shall hold the Office of Ninth Clerk to the Registrars, or either of the Offices of Eighth Clerk to the Registrars, or Seventh Clerk to the Registrars, the yearly Sum of Two hundred Pounds, in addition to his Salary as such Clerk; the said yearly Sums of One hundred Pounds and Two hundred Pounds to be paid quarterly, with such proportionate Parts and on the same Days as are herein-before mentioned and appointed for the Payment of the Salaries payable out of the Fund last herein-before mentioned.

Allowance to Registrars for copying, &c.

LIV. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery, to be made from Time to Time on a Petition presented to him for that Purpose, to order (if he shall so think fit) an Annuity or clear yearly Sum of Money, not exceeding One thousand five hundred Pounds, to be paid out of the Interest and Dividends that have arisen or may arise from the Securities now or hereafter to be placed in the Name of the said Accountant General to the Two Accounts, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest

Power to Lord Chancellor to order Retiring Annuity to Mr. Richards and his Successors.

Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them, (but subject and without Prejudice as aforesaid,) to the said *Richard Richards*, or any of his Successors in the Office of Master in Ordinary of the said Court of Chancery, if and when the said *Richard Richards*, or any of his Successors, shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, and shall be desirous of resigning the same; and the Annuity or yearly Sum mentioned in such Order or Orders shall be paid by the Governor and Company of the Bank of *England* out of the Interest and Dividends of the said Securities (but subject and without Prejudice as aforesaid), by equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, to such Master in Ordinary, from the Period when he shall resign his said Office, for the Term of his Life, free from Taxes.

Officers whose
Offices are
abolished may
make Claims for
Compensation.

LV. And be it enacted, That it shall be lawful for any Officer of the Court of Exchequer whose Office will be abolished or affected by the Operation of this Act to make a Claim for Compensation, within Six Months after the passing thereof, to the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and the Lord Chief Baron of the said Court for the Time being; and the said Commissioners and the Lord Chief Baron shall proceed, in such Manner as they may think proper, to inquire whether any Compensation ought to be made to any such Claimant, and, if any, what were the lawful Fees and Emoluments in respect of which the same should be allowed; and in every Case in which such Claim shall be established to the Satisfaction of the said Commissioners and the Lord Chief Baron they are hereby authorized and empowered to fix and determine, by an Order under their Hands, the Amount of the annual Compensation which shall seem to them to be just and reasonable for the Loss sustained by such Claimant, not being, in any Case where his Office is wholly abolished by and he shall not be appointed to any other Office under this Act, less than Three Fourth Parts of the full net annual Value of the lawful Fees and Emoluments of the Office so abolished; and the Amount of such annual Value as aforesaid shall be ascertained and fixed by the said Commissioners and the Lord Chief Baron according to such an Average of yearly Receipts and Disbursements prior to the passing of this Act as they shall think proper; and the Times when such annual Compensation shall commence and also be payable (whether quarterly or otherwise) shall also be fixed by the said Commissioners and Lord Chief Baron; and the said Commissioners and the Lord Chief Baron shall have full Power to award, in any Case in which they shall think fit, such annual Sum by way of Compensation to any such Claimant who shall be appointed by or under this Act to any Office or Situation in the Court of Chancery, in addition to the Salary attached to such Office or Situation, so long as he shall hold Office under this Act, and also an annual Sum by way of Compensation, to become payable when he shall, with the Sanction of the Lord Chancellor, have resigned such Office; and all the Compensations fixed and determined as aforesaid shall

shall be issued and paid and payable by the Governor and Company of the Bank of *England*, by virtue of an Order or Orders for that Purpose to be made by the said Court of Chancery, out of the Interest and Dividends that have arisen or may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed to Two several Accounts in the Bank of *England* standing in the Name of the said Accountant General of the Court of Chancery, and intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them (but subject and without Prejudice to the Payment of all Salaries and Sums of Money which by any Act or Acts now in force are authorized to be paid thereout): Provided always, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next following.

LVI. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery, to be made from Time to Time on a Petition presented to him for that Purpose, after the said Fifteenth Day of *October* One thousand eight hundred and forty-one, to order (if he shall think fit) an Annuity or clear yearly Sum of Money to be paid to any Person executing the Office of Registrar under this Act, not exceeding Two Third Parts of the yearly Salary which such Person shall under this Act be entitled to at the Time of presenting such Petition, to be paid out of the Interest and Dividends that have arisen or may arise from the Securities now or hereafter to be placed in the Name of the said Accountant General to the Two Accounts, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them, (but subject and without Prejudice as aforesaid,) if and when such Person shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, or shall have continued in the Office of Registrar and the Office of Clerk to the Registrars for the Period of Forty Years, and shall be desirous of resigning the same; and the Annuity or yearly Sum mentioned in such Order or Orders shall be paid, by the Governor and Company of the Bank of *England*, out of the Interest and Dividends of the said Securities, (but subject and without Prejudice as aforesaid,) by equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, to such Registrar, from the Period when he shall resign his said Office, for the Term of his Life, free from Taxes: Provided always, that a Continuance in the Office of Sub or Deputy Registrar

Power to Lord Chancellor to order Retiring Pension to Registrars, &c.

gistrar and Clerk in the Registrars Office before the said Act passed in the Fourth Year of the Reign of King *William* the Fourth came into operation shall be deemed a Continuance in the Office of Registrar and Clerk to the Registrars within the Meaning of this Act; and that, as to such of the said Sworn Clerks and Side Clerks of the Court of Exchequer as are hereby appointed Registrars or Clerks to the Registrars the Time during which they shall respectively have been Sworn Clerks and Side Clerks of the same Court of Exchequer before the said Fifteenth Day of *October* One thousand eight hundred and forty-one shall be added to the Time during which they shall have been actually Registrars and Clerks to the Registrars, and shall, for the Purposes of this Clause, be deemed and taken as Part of the Time during which they shall have continued in the Office of Registrar and the Office of Clerk to the Registrars.

Compensation to
Hon. Mr. Scar-
lett to cease
when he shall
become a Peer.

LVII. Provided always, and be it hereby enacted, That every annual or other Sum of Money awarded by way of Compensation or otherwise under this Act to the Honourable *Robert Campbell Scarlett*, now one of the Masters of the Court of Exchequer, shall cease to be payable when and so soon as he shall succeed to the Dignity of a Peer of the United Kingdom.

Provision in
case of Surplus
or Deficiency of
Fee Fund.

LVIII. And be it enacted, That if at the End of any Year there shall be a Surplus standing to the Credit of the said Account, intituled "The Suitors Fee Fund Account," after Payment of the several Salaries or Sums of Money charged thereon by this Act or the said Act passed in the Fourth Year of the Reign of King *William* the Fourth, it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery, to direct that any Surplus which may remain on the said Account to be intituled "The Suitors Fee Fund Account," after paying the several Salaries or Sums of Money charged thereon, or such Part thereof as to the said Lord Chancellor shall seem fit, shall be invested in the Purchase of Parliamentary or Government Securities, in the Name of the said Accountant General, to be placed to the Account intituled "An Account of Monies placed out to provide for the Officers of the High Court of Chancery;" and it shall be lawful for the Lord Chancellor in like Manner to direct the Investment of the Dividends or Interest to accrue from Time to Time on such last-mentioned Securities, or so much of such Dividends and Interest as he shall think fit, in the Purchase of Parliamentary or Government Securities in the Name of the Accountant General, to be by him placed to the Credit of the said last-mentioned Account; and in the event of there being a Deficiency in the said Account intituled "The Suitors Fee Fund Account," at any of the Times hereby or by the said last-mentioned Act appointed for Payment of the Salaries charged thereon, to raise and pay the several Sums then due, it shall be lawful for the Lord Chancellor to direct the said Accountant General from Time to Time to make good such Deficiency as often as the same shall arise, by carrying over and placing to the said Account intituled "The Suitors Fee Fund Account" a Sum sufficient for that Purpose, out of the Interest or Dividends to arise from the Government or Parliamentary Securities standing to the said Account intituled "Account of Monies placed
out

out to provide for the Officers of the High Court of Chancery," or by a Sale of so much of the said Securities as may be necessary for that Purpose; and in case such last-mentioned Securities, and the Interest and Dividends thereof, shall be at any Time insufficient to meet such Deficiency, it shall be lawful for the Lord Chancellor to direct the said Accountant General to make good such last-mentioned Deficiency so often as the same shall arise, by carrying over and placing to the said Account to be intituled "The Suitors Fee Fund Account," a Sum sufficient for that Purpose, out of the Interest and Dividends that have arisen or which may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed to Two several Accounts in the Bank of *England* standing in the Name of the Accountant General, and intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them.

LIX. And be it enacted, That the surplus Interest and annual Produce which hath arisen and shall arise from the Monies placed out on the several Accounts intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors in the High Court of Chancery," beyond what shall be sufficient to answer the Purposes of this and the several other Acts relating to such Securities, and also the Interest produced from the Securities purchased with such surplus Interest and annual Produce, shall from Time to Time be placed out in the Purchase of Government or Parliamentary Securities in the Name of the Accountant General of the said Court, and placed to the Credit of the said Account intituled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery."

LX. And be it enacted, That if at any Time hereafter the Whole or any Part of the Monies placed out to the Two several Accounts intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or to be placed out in pursuance of this Act, shall be wanted to answer any of the Demands of the Suitors of the said Court of Chancery, then and in such Case the said Court may and shall direct the Whole or any Part of such Monies to be called in, and the Securities in which the same, and the surplus Interest and Dividends herein-before mentioned, shall be placed, to be sold and disposed of, in order that the Suitors of the said Court may at all Times be paid their respective Demands out of the common and general Cash belonging to such Suitors.

Power to invest
surplus Interest
Fund.

Money placed
out, if required
to answer
Demands of
Suitors, to be
called in.

LXI. ' And

Accountant
General of
Court of Chan-
cery to pay over
150*l.* yearly to
Suitors Fund.

LXI. 'And whereas the average annual Amount of Brokerages received by the Accountant General of the Court of Exchequer for his own Benefit amounts to the Sum of One hundred and fifty Pounds;' be it enacted, That the Accountant General of the High Court of Chancery shall, on or before the First Day of *September* in every Year, pay into the Bank, to be there placed to his Credit as such Accountant General to an Account intituled "An Account of Interest arising from Securities carried to an Account of Money placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," the Sum of One hundred and fifty Pounds, the first of such Payments to be made on or before the First Day of *September* One thousand eight hundred and forty-two; and such Sum, when so paid in, shall be in all respects deemed to be Part of such Fund, and shall be applied accordingly.

Power to change
Securities.

LXII. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders of the said Court of Chancery, to authorize the Change of any Security or Securities, or of any Part of the Securities, to be purchased in pursuance of this Act.

Accountant
General to make
certain Returns.

LXIII. And be it enacted, That the Accountant General for the Time being of the High Court of Chancery shall annually cause to be laid on the Table of the House of Commons a Return showing the State of the several Funds in his Name, called "The Suitors Fund" and "The Suitors Fee Fund," and the Charges upon the same Funds respectively.

Interpretation
Clause.

LXIV. And be it declared and enacted, That in the Construction of this Act the Expression "Her Majesty" shall mean also and include the Heirs and Successors of Her Majesty; and the Expression "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being.

Meaning of
Term "Bar-
rister-at-Law"
and "Barrister."

LXV. And be it enacted and declared, That in the Construction of this Act and of every other Act heretofore passed relating to the Nomination or Appointment to any Office or Employment, the Expression "Barrister-at-Law" or "Barrister" shall mean a Barrister-at-Law called to the Bar either in *England* or *Ireland*, except where it is otherwise expressly provided.

Act may be
altered.

LXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHEDULES.

The FIRST SCHEDULE referred to by the foregoing Act.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to the Sheriffs of London, greeting: We command you that you omit not, by reason of any Liberty, but that you enter the same and distrain the Governor and Company of the Bank of England by all their Lands and Chattels in your Bailiwick, so that they, or any
of

of them, do not intermeddle therewith until We otherwise command you ; and that you answer Us the Issues of the said Lands, so that they do appear before Us in Our High Court of Chancery on the Day of to answer a certain Bill of Complaint lately exhibited against them and other Defendants before Us in Our said Court of Chancery by Complainant ; and further, to do and receive what Our said Court shall then and there order in the Premises, and that you then leave there this Writ. Witness Ourself at Westminster the Day of in the Year of Our Reign.

DEVON.

The SECOND SCHEDULE referred to by the foregoing Act.

					Cash.		
					£	s.	d.
The King v.	Anthill	-	-	-	225	0	0
	Ambler, the Creditors of Ogle and Ambler's Account	-	-	-	369	13	1
	Ashton	-	-	-	10	18	9
	Butler, Samuel	-	-	-	5	0	0
	Bennett	-	-	-	15	0	0
	George Bennett	-	-	-	20	0	0
	Delamotte	-	-	-	1,065	17	10
	Faithfull	-	-	-	5	0	0
	Guy	-	-	-	10	0	0
	Harrison	-	-	-	17	9	4
	M'George	-	-	-	71	15	9
	Mew the younger	-	-	-	5	0	0
	Okey	-	-	-	23	14	0
	Roper, the Creditors of Ogle, Roper, and Throp's Account	-	-	-	28	14	6
	Charles Snow	-	-	-	92	18	0
	Taylor	-	-	-	65	0	0
	Turner	-	-	-	132	12	1
	Weir	-	-	-	200	0	0
	Kent	-	-	-	10	0	0
	Whitworth	-	-	-	56	17	0
Norham Land Tax	-	-	-	-	17	9	8
The Queen v. Lane	-	-	-	-	1,602	0	0
	Holt	-	-	-	710	0	0

The THIRD SCHEDULE referred to by the foregoing Act.

	Salary.
The First Registrar - - -	£2,000 per Annum.
The Second, Third, and Fourth Registrars - - -	1,800 per Annum each.
The Fifth, Sixth, Seventh, and Eighth Registrars - - -	1,500 per Annum each.
The Ninth and Tenth Registrars - - -	1,250 per Annum each.
The First and Second Clerks to the Registrars - - -	800 per Annum each.
The Third, Fourth, Fifth, and Sixth Clerks to the Registrars - - -	600 per Annum each.
The Seventh, Eighth, Ninth, and Tenth Clerks to the Registrars - - -	400 per Annum each.
The Eleventh and Twelfth Clerks to the Registrars, and any additional Clerks to the Registrars to be appointed under this Act - - -	300 per Annum each.
The Chief Clerk to the Master in Ordinary in Chancery appointed under this Act - - -	1,000 per Annum.
The Junior Clerk of such Master - - -	150 per Annum.

C A P. VI.

An Act to amend an Act made in the Twenty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to empower the Archbishop of Canterbury or the Archbishop of York for the Time being to consecrate to the Office of a Bishop Persons being Subjects or Citizens of Countries out of His Majesty's Dominions.*

[5th October 1841.]

26 G. 3. c. 84.

‘ WHEREAS in and by an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to empower the Archbishop of Canterbury or the Archbishop of York for the Time being to consecrate to the Office of a Bishop Persons being Subjects or Citizens of Countries out of His Majesty's Dominions*, after reciting that “there are divers Persons, Subjects or Citizens of Countries out of His Majesty's Dominions, and inhabiting and residing within the said Countries, who profess the public Worship of Almighty God according to the Principles of the Church of *England*, and who, in order to provide a regular Succession of Ministers for the Service of their Church are desirous of having certain of the Subjects or Citizens of those Countries consecrated Bishops according to the Form of Consecration of the Church of *England*,” it is amongst other things enacted, that from and after

‘ the passing of the said Act it should and might be lawful to and for the Archbishop of *Canterbury* or for the Archbishop of *York* for the Time being, together with such other Bishops as they should call to their Assistance, to consecrate Persons being Subjects or Citizens of Countries out of His Majesty’s Dominions Bishops for the Purposes in the said Act mentioned, without the King’s Licence for their Election, or the Royal Mandate under the Great Seal for their Confirmation and Consecration, and without requiring them to take the Oaths of Allegiance and Supremacy, and the Oath of due Obedience to the Archbishop for the Time being: And whereas it is expedient to enlarge the Powers given by the said Act;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Archbishop of *Canterbury* or the Archbishop of *York* for the Time being, together with such other Bishops as they shall call to their Assistance, to consecrate *British* Subjects, or the Subjects or Citizens of any Foreign Kingdom or State, to be Bishops in any Foreign Country, whether such Foreign Subjects or Citizens be or be not Subjects or Citizens of the Country in which they are to act, and without the Queen’s Licence for their Election, or the Royal Mandate under the Great Seal for their Confirmation and Consecration, and without requiring such of them as may be Subjects or Citizens of any Foreign Kingdom or State to take the Oaths of Allegiance and Supremacy, and the Oath of due Obedience to the Archbishop for the Time being.

Archbishops of *Canterbury* and *York* may consecrate *British* Subjects or *Foreigners* to be Bishops in *Foreign* Countries.

II. And be it further enacted, That such Bishop or Bishops so consecrated may exercise, within such Limits as may from Time to Time be assigned for that Purpose in such Foreign Countries by Her Majesty, Spiritual Jurisdiction over the Ministers of *British* Congregations of the United Church of *England* and *Ireland*, and over such other Protestant Congregations as may be desirous of placing themselves under his or their Authority.

Spiritual Jurisdiction of such Bishops.

III. Provided always, That no Person shall be consecrated a Bishop in the Manner herein provided until the Archbishop of *Canterbury* or the Archbishop of *York* for the Time being shall have first applied for and shall have obtained Her Majesty’s Licence, by Warrant under Her Royal Signet and Sign Manual, authorizing and empowering him to perform such Consecration, and expressing the Name of the Person so to be consecrated, nor until the said Archbishop has been fully ascertained of the Sufficiency of such Person in good Learning, of the Soundness of his Faith, and of the Purity of his Manners.

Archbishops to obtain Her Majesty’s Licence for Consecration.

IV. Provided always, and be it hereby declared, That no Person consecrated to the Office of a Bishop in the Manner aforesaid, nor any Person deriving his Consecration from or under any Bishop so consecrated, nor any Person admitted to the Order of Deacon or Priest by any Bishop or Bishops so consecrated, or by the Successor or Successors of any Bishop or Bishops so consecrated, shall be thereby enabled to exercise his Office within Her Majesty’s Dominions in *England* or *Ireland*, otherwise than according to the Provisions of an Act of the Third and Fourth

Persons so consecrated not to act within *England* or *Ireland* otherwise than according to 3 & 4 Vict. c. 33.

Years of Her present Majesty, intituled *An Act to make certain Provisions and Regulations in respect to the Exercise within England and Ireland of their Office by the Bishops and Clergy of the Protestant Episcopal Church in Scotland; and also to extend such Provisions and Regulations to the Bishops and Clergy of the Protestant Episcopal Church in the United States of America; and also to make further Regulations in respect to Bishops and Clergy other than those of the United Church of England and Ireland.*

Archbishop
to give a Cer-
tificate of Con-
secration.

V. Provided always, and be it further enacted, That the Archbishop who so consecrates shall give to the Person consecrated a Certificate under his Hand and Seal, containing the Name of the Country whereof he is a Subject or Citizen, and the Name of the Church in which he is appointed Bishop; and in case of such Person being the Subject or Citizen of any Foreign Kingdom or State, then such Certificate shall further mention, that he has not taken the said Oaths, he being exempted by virtue of this Act from taking them.

Act may be
amended, &c.

VI. Provided always, and be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

C A P. VII.

An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-two such Laws as may expire within a limited Period. [5th October 1841.]

‘ **WHEREAS** there are divers Laws and Enactments which have lately expired, or will expire at the End of this Session of Parliament, or on some specified Day before the First Day of *January* One thousand eight hundred and forty-two, and there may not be sufficient Time during the present Session of Parliament for a particular Examination and due Consideration how far any of the said Laws may be fit to be further continued; be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Laws and Enactments in force on the Twenty-third Day of *June* One thousand eight hundred and forty-one, and for the Continuance of which no particular Provision has been made by any Act passed during the present Session of Parliament, and which would expire at the End of this Session of Parliament, or before the First Day of *January* One thousand eight hundred and forty-two, shall be and continue in full Force, to all Intents and Purposes, until the Thirty-first Day of *July* One thousand eight hundred and forty-two, and such of the said Laws or Enactments which may have expired shall be revived and shall continue in force to all Intents and Purposes until the said Thirty-first Day of *July* One thousand eight hundred and forty-two, any thing contained in the said Laws to the contrary thereof in anywise notwithstanding.

Laws expiring
at the End of
this Session, or
on or before the
1st Jan. 1842,
continued till the
31st July 1842.

Commissioners
appointed under
6 & 7 W. 4. c. 71.
to continue in

II. ‘ And whereas by an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for the Commutation of Tithes in England and Wales*, it was among other things enacted, that no Commissioner or Assistant Commissioner, Secre-

tary,

‘ tary, Assistant Secretary, or other Officer or Person appointed under the said Act, should hold his Office for a longer Period than Five Years next after the Day of the passing of the said Act, and thenceforth until the End of the then next Session of Parliament; and that after the Expiration of the said Period of Five Years, and of the then next Session of Parliament, so much of the said Act as authorizes any such Appointment should cease: And whereas it is expedient that the said Commission should be further continued;’ be it enacted, That so much of the last-recited Act as is herein-before recited shall be repealed; and that no Commissioner or Assistant Commissioner, Secretary, Assistant Secretary, or other Officer or Person so to be appointed, shall hold his Office for a longer Period than until the Thirty-first Day of *July* One thousand eight hundred and forty-two; and after the said Thirty-first Day of *July* so much of the last-recited Act as authorizes any such Appointment shall cease.

Office only until
the 31st July
1842..

C A P. VIII.

An Act for funding Exchequer Bills, and for making Provision for the Service of the Year One thousand eight hundred and forty-one. [7th October 1841.]

‘ Most Gracious Sovereign,

‘ **WE**, Your Majesty’s most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, being desirous of making Provision to satisfy the Principal Sums contained in certain Exchequer Bills, to the Amount of Five Millions, and to raise the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved that the Persons who have engaged to subscribe towards funding the Sum of Five Millions in Exchequer Bills should be entitled, in respect of the Principal Sums contained therein, to such Capital Stock in Annuities as is herein-after mentioned, subject to the Provisions of this Act: We, Your Majesty’s most faithful Commons, do therefore most humbly beseech Your Majesty that it may be enacted;’ and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Persons, their Executors, Administrators, and Assigns, who on or before the Twenty-seventh Day of *September* One thousand eight hundred and forty-one caused their Names to be inscribed in a Book opened at the Bank of *England* for the Purpose of funding Exchequer Bills charged on Aids or Supplies dated in *March* and *June* One thousand eight hundred and forty-one, or in any antecedent Month, provided the same have not been advertised to be paid off; and who deposited Twenty Pounds *per Centum* on the Amount of the Exchequer Bills which they subscribed, shall, upon the Completion of the Amount subscribed by them in manner and at the Times required by this Act, be entitled, for every One hundred Pounds Principal Money contained in the Exchequer Bills so subscribed, to the Sum of One hundred and twelve Pounds Two Shillings Consolidated Annuities at the Rate of Three Pounds *per*

Terms for
funding.

Centum per Annum, to commence from the Fifth Day of *July* One thousand eight hundred and forty-one, which said Annuities shall be paid and payable at the Bank of *England* at the Times and in the Manner herein mentioned.

Future Instal-
ments.

II. And be it enacted, That the said several Subscribers shall deposit the future Instalments of Exchequer Bills with the Governor and Company of the Bank of *England* on or before the Days and Times herein-after mentioned; (that is to say,) Twenty Pounds *per Centum* on or before the Eighth Day of *November* next, Twenty Pounds *per Centum* on or before the Twentieth Day of *December* next, Twenty Pounds *per Centum* on or before the Thirty-first Day of *January* One thousand eight hundred and forty-two, and Twenty Pounds *per Centum* on or before the Fourteenth Day of *March* One thousand eight hundred and forty-two: Provided always, that no Exchequer Bills shall be deposited under this Act which have been advertised to be paid off, and the Interest whereon shall have previously ceased.

Interest on Ex-
chequer Bills.

III. And be it enacted, That every such Subscriber shall be entitled to receive Interest, at the Office of the Paymasters of Exchequer Bills, upon all Exchequer Bills deposited by them respectively at the Bank of *England* in pursuance of this Act, in manner following; (that is to say,) upon the Amount of the Exchequer Bills deposited, for the First Instalment, every such Subscriber shall be allowed Interest from the Day of the Date of such Bills so deposited up to the Twenty-seventh Day of *September* One thousand eight hundred and forty-one; and for the Amount of such Exchequer Bills which shall be so deposited by any such Subscriber, for the Second and every subsequent Instalment, according to the Directions of this Act, every such Subscriber shall be allowed Interest from the Day of the Date of such Bills so deposited up to the several Days upon which such Instalments respectively became due; and whenever such Payment shall be made in Money as after mentioned, every such Subscriber shall be entitled to and be allowed, by the said Governor and Company of the Bank of *England*, Interest at the Rate of Two-pence Farthing *per Centum per Diem* upon such Money so paid from the Twenty-seventh Day of *September* One thousand eight hundred and forty-one to the Date of such Instalment.

Subscribers may
pay Money
instead of Ex-
chequer Bills,
paying 12s. per
Cent. on the
Money paid.

IV. Provided always, and be it enacted, That it shall be lawful for any Subscriber to the said Sum of Five Millions, instead of depositing Exchequer Bills at the Bank of *England* in manner aforesaid, to pay to the Cashier or Cashiers of the Governor and Company of the Bank of *England* (who is and are hereby appointed Receiver or Receivers thereof, without any other Warrant to be made in that Behalf,) any Sum or Sums of Money in lieu of such Exchequer Bills, not exceeding One Half of such Subscription, upon paying an Addition of Twelve Shillings *per Centum* upon the Amount which such Subscriber may so pay in Money; and every Subscriber so paying Money instead of Exchequer Bills shall, for every One hundred Pounds Twelve Shillings Principal Money so paid, be entitled to the Sum of One hundred and twelve Pounds Two Shillings Consolidated Annuities, at the Rate of Three Pounds *per Centum per Annum*, to commence and be payable as herein mentioned.

V. And

V. And be it enacted, That it shall be lawful for any Subscriber to deposit Exchequer Bills, or to pay the several Instalments of their Subscriptions in Money, in advance; and in such Case, whenever Exchequer Bills shall be so deposited in advance, such Subscriber shall be entitled to and shall receive, at the Office of the Paymasters of Exchequer Bills, the Interest due on such Exchequer Bills, from the Day of the Date thereof up to the Day when the several Instalments respectively would have become due if such Deposit had not been made in advance; and whenever any such Payment in advance shall be made in Money, such Subscriber shall be entitled to, and shall receive or be allowed by the said Governor and Company of the Bank of *England*, Interest at the Rate of Two-pence Farthing *per Centum per Diem* upon such Money so paid in advance from the Day when such Payment in advance shall be made up to the Day when the Instalment in respect of which such Payment in advance shall be made would have become due if such Payment had not been made in advance.

Interest to be allowed on Payments made in advance.

VI. And be it enacted, That it shall be lawful for any Guardian or Trustee to subscribe for or towards advancing any Sum under the Provisions of this Act, and such Infant, upon the Deposit of the Amount subscribed by such Guardian or Trustee, shall become a Subscriber within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Subscriber; and the said Guardian and Trustee, as to the said Sum or Sums so subscribed, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Exchequer Bills or Money.

Guardians, &c. may subscribe Bills.

VII. And be it enacted, That every Person, and Body Politic and Corporate, who shall have deposited or shall deposit any such Exchequer Bill or Bills as aforesaid, or shall have paid or shall pay Money in lieu of such Exchequer Bills, shall, for every Sum of One hundred Pounds contained in such Exchequer Bills, or for every One hundred Pounds Twelve Shillings paid in Money, and so in proportion for any greater Sum, have and be entitled to the Capital Stock in Annuities herein-before mentioned; and the Interest or Dividends thereon shall be payable half-yearly at the Bank of *England* on the Fifth Day of *January* and the Fifth Day of *July* in every Year, the first Payment to become due on the Fifth Day of *January* One thousand eight hundred and forty-two; and every Person and Corporation entitled to any such Annuity or Annuities aforesaid, and his Executors, Administrators, Successors, and Assigns respectively, and every Person and Corporation lawfully claiming under him, shall have good, sure, absolute, and irrefeasible Estates and Interests in the said Annuities, according to the true Tenor and Meaning of this Act, until the Redemption thereof in the Manner herein directed, and shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise; any Law, Custom, or Usage to the contrary notwithstanding.

Interest on Stock.

VIII. And be it enacted, That as soon as any Subscriber, his Executors, Administrators, Successors, or Assigns, shall have deposited at the Bank of *England* Exchequer Bills, or shall have

Stock to be placed to Credit of Subscribers in Books at Bank of England.

paid Money in lieu thereof, to the full Amount of the Sums subscribed by him, the Principal Sum in Consolidated Three Pounds *per Centum* Annuities to which such Subscriber is entitled under the Provisions of this Act shall forthwith be entered in the Books of the Bank of *England*, and placed to the Credit of such Subscriber, his Executors, Administrators, Successors, and Assigns, completing such Deposits or Payments; and the Person to whose Credit such Principal Sums shall be so placed, his Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate whatsoever, in the Books of the Bank of *England*; and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Subscribers, and of placing to their Credit the Principal Sums so deposited in Exchequer Bills or paid in Money by them respectively; and such of the said Subscribers, their Executors, Administrators, Successors, or Assigns, who shall complete the Deposits or Payments of such Parts of the whole Amount subscribed by them respectively towards the said Sum of Five Millions at any Time before the Governor and Company of the Bank of *England* shall have prepared their Receipts according to the Directions of this Act, shall be entitled to have the Amount so deposited or paid forthwith placed to their Credit in the Books of the Bank of *England*; and the said Governor and Company are hereby required to cause such Sums to be forthwith placed to the Credit of the Persons entitled to the Annuities in respect thereof in the Books of the Bank of *England*, and such Entries in the said Books shall be in lieu of the Receipts hereby directed to be given for all Sums deposited or paid in manner aforesaid; and such Sums shall carry the Annuities after the Rate of Three Pounds *per Centum* redeemable by Parliament, and shall respectively be taken and deemed to be Stock transferrable according to the true Intent and Meaning of this Act.

First Payment
of Interest when
to be payable.

IX. And be it enacted, That every such Subscriber, his Executors, Administrators, Successors, and Assigns, who shall have deposited with or paid to the Governor and Company of the Bank of *England* the whole of his Subscription on or before the Second Day of *January* One thousand eight hundred and forty-two, at the Bank of *England*, shall be entitled to receive on the Fifth Day of *January* One thousand eight hundred and forty-two the Half Year's Dividend on the said Annuities that shall become due on the said Fifth Day of *January* One thousand eight hundred and forty-two; and every Person who shall not have completed the whole of his Payments on or before the said Second Day of *January* One thousand eight hundred and forty-two shall, on completing the same within the Time in this Act prescribed, be entitled to receive on the Fifth Day of *July* One thousand eight hundred and forty-two the Year's Dividend on the said Annuities, from the Fifth Day of *July* One thousand eight hundred and forty-one, according to the true Intent and Meaning of this Act.

Annuities
charged on Con-
solidated Fund.

X. And be it enacted, That all the Dividends and Interest on the Annuities which shall become payable under this Act shall be charged

charged and chargeable upon, and are hereby charged upon and made payable out of, the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; and so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer in *Great Britain* out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the Dividends and Interest on the Annuities to be created under this Act, with the Charges attending the same.

XI. And for the more easy and sure Payment of the Annuities established by this Act, be it enacted, That the said Governor and Company of the Bank of *England*, and their Successors, shall from Time to Time, until all the said Annuities shall be redeemed or shall cease, appoint and employ One or more sufficient Person or Persons within their Office in the City of *London* to be their Chief or First Cashier or Cashiers, and One other sufficient Person within the same Office to be their Accountant General; and so much of the Monies by this Act appropriated for the Purpose as shall be sufficient from Time to Time to answer the said Dividends and other Payments herein directed to be made out of the said Consolidated Fund shall, by Order of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, for the Time being, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid, at the Receipt of the Exchequer at *Westminster*, to the First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest and upon Account, for the Payment of the Dividends respectively payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof according to the due Course of the Exchequer; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Payment of
Dividends.

XII. And be it enacted, That the Cashier or Cashiers of the Governor and Company of the Bank of *England*, who shall have received or shall receive any Part of the said Subscription towards the said Sum of Five Millions, shall give a Receipt or Receipts in Writing to every such Subscriber for the Principal Money comprised in the Exchequer Bills deposited by him, or for the Sum of Money paid in lieu thereof, and the Receipt so to be given shall be assignable at any Time before the Second Day of *January* One thousand eight hundred and forty-two, and no longer, and shall from Time to Time deliver to the Paymasters of Exchequer Bills all the Exchequer Bills which shall be so deposited as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the furthest, and shall account for the

Receipts to be
assignable.

the same in the said Exchequer according to the due Course thereof.

Subscribers
Names to be
entered in a
Book at Bank
of England.

XIII. And be it enacted, That in the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being a Book or Books shall be provided and kept, in which the Names of the Subscribers shall be fairly entered, which Book or Books the said respective Subscribers, their respective Executors, Administrators, Successors, or Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect, without any Fee or Charge; and the said Accountant General shall, on or before the Fifth Day of *July* One thousand eight hundred and forty-two, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Comptroller General of the Receipt and Issue of Her Majesty's Exchequer at *Westminster*, there to remain for ever.

Subscribers duly
paying in Sum
subscribed to be
entitled to An-
nuities hereby
granted.

XIV. And be it enacted, That such Subscribers duly depositing or paying in the whole Sum so subscribed at or before the respective Times in this Act limited in that Behalf, and their respective Executors, Administrators, Successors, and Assigns, shall have, receive, and enjoy, and be entitled by virtue of this Act to have, receive, and enjoy, the said Annuities by this Act granted in respect of the Sum so subscribed, and shall have good and sure Interests and Estates therein, according to the several Provisions in this Act contained; and the said Annuities shall be free from all Taxes, Charges, and Impositions whatsoever: Provided always, that in case any such Subscribers who have already deposited with or shall hereafter deposit or pay to the said Cashier or Cashiers any Exchequer Bills, or any Sum of Money in lieu thereof, at the Time and in manner herein-before mentioned, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and deposit and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed, at the Times and in the Manner before mentioned, then and in every such Case so much of the respective Sum or Sums so subscribed as shall have been actually deposited or paid in part thereof to the said Cashier or Cashiers shall be forfeited for the Benefit of the Public, and all Right and Title to the said Consolidated Three Pounds *per Centum* Annuities in respect thereof shall be extinguished, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Subscribers not
paying up Sums
subscribed, their
Deposits to be
forfeited.

Consols to be
One Capital
Stock.

XV. And be it enacted, That all the Consolidated Three Pounds *per Centum* Annuities created by virtue of this Act shall be deemed and taken to be, and shall from Time to Time be added to and shall form Part of, the Capital of the Consolidated Three Pounds *per Centum* Annuities transferrable at the Bank of *England*; and all and every Person and Persons, Bodies Politic or Corporate whatsoever, shall have and be deemed to have a proportional Interest and Share in the said Stock, and in the Annuity attending the same at the Rate aforesaid; and the whole Capital or Joint Stock, or any Share or Interest therein, and the proportionable Annuity attending the same, shall be assignable and transferrable as this Act directs, and not otherwise.

XVI. And

XVI. And be it enacted, That Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Sums advanced or contributed under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent, by their respective Attorney or Attornies thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more credible Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof; and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law: Provided always, that all Persons possessed of any Share or Interest in the said Annuities, or any Estate or Interest therein, may devise the same by Will in Writing, attested by Two or more credible Witnesses, but no Payment shall be made upon any such Devise until so much of the said Will as relates to such Share, Estate, or Interest in the said Annuities shall be entered in the Books of the said Office; and in default of such Transfer or Devise such Share, Estate, or Interest in the said Annuities shall go to the Executors, Administrators, Successors, and Assigns; and no Stamp Duties whatsoever shall be charged on any of the said Transfers; any Law or Statute to the contrary notwithstanding.

Books for
Transfers.

XVII. And be it enacted, That all the Exchequer Bills so deposited or to be deposited according to the Directions of this Act with the Governor and Company of the Bank of *England* shall be from Time to Time transmitted by the said Governor and Company, and delivered over to the Paymasters of Exchequer Bills, to be cancelled, and the Receipt for such Exchequer Bills, signed by the said Paymasters, shall be a sufficient Acquittance to the said Cashier or Cashiers in accounting for the Exchequer Bills to be received by them in pursuance of this Act; and the said Paymasters of Exchequer Bills are hereby authorized and required, upon Receipt of any such Bill, to mark and cancel the same, and to pay the Interest thereupon according to the Provisions of this Act.

Bills to be
cancelled.

XVIII. And be it enacted, That the Cashier or Cashiers of the Governor and Company of the Bank of *England* shall from Time to Time, as the same may be received, duly account for, and pay over to the Receipt of Her Majesty's Exchequer, all the Monies which he shall have already received or shall hereafter receive in pursuance of this Act, within Five Days at the farthest after he shall have received the same, and shall account for the same in the Exchequer, according to the due Course thereof, deducting thereout such Sums as shall have been paid by him or them in pursuance of this Act, for which Sums so paid Allowance shall be made in his or their Account.

Cashier of
Bank to pay
Monies into
Exchequer.

XIX. And be it enacted, That the Accountant General of the Governor and Company of the Bank of *England* shall certify to the Commissioners for the Reduction of the National Debt the Amount of all Exchequer Bills subscribed to be funded, and all Sums of Money subscribed to be paid, under the Provisions of this Act, and also the Amount of the Consolidated Three Pounds

Bank to certify
Amount of Bills
funded and of
Stock created.

per

per Centum Annuities which shall be created by virtue of this Act.

Payment for incident Charges and to Bank for Services performed.

XX. And be it enacted, That the said Commissioners of Her Majesty's Treasury, or the said Lord High Treasurer, for the Time being, shall have Power, out of the said Consolidated Fund, to discharge all such incident Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable, and also to make an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the said Annuities, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trusts reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be for the Use of the said Governor and Company, and at their Disposal only.

Appropriation of Money Payments.

XXI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as may be so subscribed and paid into the Receipt of Her Majesty's Exchequer by virtue of this Act to such Services as shall have been granted in this Session of Parliament.

Exchequer Bills may be issued or Stock created to pay Supplies and Interest of Bills.

XXII. 'And whereas the Services which have been granted in this Session of Parliament, and the Interest which it is estimated will become payable on Exchequer Bills charged on the Aids or Supplies of the present Year, amount together to the Sum of Two millions four hundred and sixty-seven thousand four hundred and thirty-two Pounds;' be it enacted, That, in order to provide for the Payment of the said Services and Interest, it shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby authorized, from Time to Time to direct the Issue of Exchequer Bills, or the Creation of Consolidated Annuities, at the Rate of Three Pounds *per Centum per Annum*, as the said Commissioners of Her Majesty's Treasury shall think fit: Provided always, that it shall not be lawful for the said Commissioners of Her Majesty's Treasury to raise a greater Sum, by the Issue of Exchequer Bills, or by the Creation of Consolidated Three Pounds *per Centum* Annuities as aforesaid, than may be sufficient to complete the Difference between the Monies so subscribed and paid into the Receipt of the Exchequer as aforesaid, and the Sum necessary to discharge the said Services and Interest.

Issue of Exchequer Bills to be as if included in Act of this Session.

XXIII. And be it enacted, That any Exchequer Bills which may be issued by virtue of this Act shall be made out at the Receipt of the Exchequer, in such and the like Manner, and under the like Rules and Directions, as if the same had been authorized to be made out by an Act passed in this present Session of Parliament for raising the Sum of Ten millions six hundred and twenty-six thousand three hundred and fifty Pounds by Exchequer Bills; and all the Clauses, Provisions, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and also in the said Act

Act passed in this Session of Parliament, shall be applied and extended to the Exchequer Bills which may be made forth by virtue of this Act, as fully and effectually as if the same had been repeated and re-enacted in this Act; and it shall be lawful for the said Governor and Company of the Bank of *England* to advance or lend to Her Majesty any Sum or Sums of Money upon the Credit of the Exchequer Bills to be made out in pursuance of this Act; any thing in any Act or Acts to the contrary notwithstanding.

XXIV. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized, by Warrant under their Hands, from Time to Time to order and direct the Governor and Company of the Bank of *England* to direct their Accountant General or Deputy Accountant to enter and place to the Credit of the Commissioners for the Reduction of the National Debt any Amount of Consolidated Annuities at the Rate of Three Pounds *per Centum per Annum*, not exceeding the Sum authorized to be created by this Act for the Purposes aforesaid, the first half-yearly Payment of the Dividends whereof shall commence from the Day on which the last half-yearly Dividends were due and payable on the said Consolidated Three Pounds *per Centum* Annuities; and the said Commissioners for the Reduction of the National Debt shall, upon receiving Directions to that Effect from the said Commissioners of Her Majesty's Treasury, sell or dispose of the Whole or any Part of the said Consolidated Three Pounds *per Centum* Annuities so authorized to be created by this Act, and the Monies arising from such Sale or Disposal shall be paid into the Receipt of Her Majesty's Exchequer, to be applied to such Services as shall have been granted in this Session of Parliament.

Stock created.

XXV. And be it enacted, That all Matters and Things hereby authorized or required to be done by the Commissioners of Her Majesty's Treasury may be done by any Three or more of the said Commissioners.

Three Commissioners of Treasury may act.

XXVI. And be it enacted, That if any Person or Persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the Whole or any Part or Parts of the said Subscription towards the said Sum of Five Millions, either with or without the Name or Names of any Person or Persons being inserted therein as the Subscriber or Subscribers thereto, or Payer or Payers thereof, or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of *England*, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and liable to be transported beyond the Seas for Life or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years nor less than

Punishment for Forgery of Receipts, &c.

7 W. 4. &
1 Vict. c. 84.

Bank to con-
tinue a Cor-
poration.

No Fee for
Payments.

General Issue.

Two Years, under the Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to abolish the Punishment of Death in Cases of Forgery*.

XXVII. And be it enacted, That the said Governor and Company of the Bank of *England*, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same, or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of *England*, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

XXVIII. And be it enacted, That no Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription in Exchequer Bills or any of them, or for any Receipt concerning the same, or for paying the said Annuities or any of them, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, Injunction or Order of Restraint, or any more than One Imparlance, shall be granted or allowed.

XXIX. And be it enacted, That if any Person or Persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them against any such Plaintiff or Plaintiffs.

C A P. IX.

An Act to provide for Payment of the Persons employed in taking Account of the Population in *England*.

[7th October 1841.]

3 & 4 Vict. c. 99. ' **WHEREAS** by an Act passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act for taking an Account of the Population of Great Britain*, it is among other things provided, that the Justices of the Peace in *England*, at their respective *Michaelmas* Quarter Sessions in the Year One thousand eight hundred and forty-one, or at the Quarter Sessions following, shall allow to the several Enumerators, Registrars, and Superintendent Registrars the Allowances to which they shall be entitled according to the Table of Allowances to be made according to the Provisions of the said Act, and shall order Payment thereof to be made out of the Poor's Rates of the several Parishes and

Places,

' Places, in such Proportion as to them shall seem just, which
' Payment shall thereafter be allowed in the Accounts of the Over-
' seers of the Poor: And whereas it is expedient that other Pro-
' visions should be made for Payment of the said Allowances: '
Be it enacted by the Queen's most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Au-
thority of the same, That so much of the said Act as is herein-
before recited shall be repealed.

II. And be it enacted, That upon the Production of the Certi-
ficates mentioned in the said Act, that the Duties required by the
said Act have been in each Case faithfully performed, the Guar-
dians of the Poor, or, where there are no such Guardians, the
Overseers of the Poor, in every Superintendent Registrar's District
in *England*, shall pay to such Superintendent Registrar, out of
the Monies in their Hands as such Guardians or Overseers, the
whole Amount of the Allowances to which the said Superintendent
Registrar and the Registrars and Enumerators in that District
are severally entitled, and each Superintendent Registrar shall
pay over to the Registrars in his District the Allowances to which
the said Registrars and Enumerators are entitled, and each Regis-
trar shall pay over to the Enumerators in his District the Allow-
ances to which they are severally entitled, according to the said
Table; and the Receipts to be given by the Enumerators, Regis-
trars, and the Superintendent Registrars, for Payment of their said
Allowances, shall be finally delivered to the Guardians or Over-
seers, as the Case may be; and where the District of any Super-
intendent Registrar, Registrar, or Enumerator, contains more than
One Parish or Place, or Parts of more than One Parish or Place,
the Guardians established under an Act passed in the Fifth Year
of the Reign of His late Majesty, intituled *An Act for the Amend-
ment and better Administration of the Laws relating to the Poor in
England and Wales*, or if there be no such Guardians the Super-
intendent Registrar, shall apportion the whole Sum so paid or to
be paid on account of that District among the several Parishes
and Places of which any Part is within such District, in such
Manner as to them or him shall seem just; and such Apportion-
ment shall be binding upon all Persons, and the Payment thereof
shall be allowed in the Accounts of the Guardians and Overseers of
the Poor of the said several Parishes and Places; and in every
extra-parochial or other Place not having Overseers of the Poor
the Persons appointed to collect the County or Borough Rates
therein shall be deemed Overseers of the Poor within the Meaning
of this Act, and shall pay the Amount charged to the Account
of such Place under the Provisions of the first-recited Act and of
this Act to the Guardians of the Union in which such Place is
situated, or, if it be not situated in any Union, to the Superin-
tendent Registrar, out of the next Monies in their Hands collected
for the County or Borough Rate within such Place, and shall be
allowed such Payment in their Accounts; and if there be any
extra-parochial Place in which no County or Borough Rate, or
Rate in the Nature of a County Rate, is collected, the Treasurer
of the County, Riding, or Division, or Borough, shall pay the
Amount charged to the Account of such Place out of the Monies
in

Repeal of Part of
3 & 4 Vict. c. 99.

Manner in
which the Pay-
ments shall be
made to Persons
employed in the
Execution of
3 & 4 Vict. c. 99.
in England.

Apportionment
of Payments
where more than
One Parish in
a District.
4 & 5 W. 4. c. 76.

As to extra-
parochial
Places.

in his Hands as such Treasurer, and shall be allowed such Payment in his Account.

Guardians to
certify Pay-
ments to Com-
missioners.

III. And be it enacted, That the Guardians, Overseers, or Treasurer by whom any such Payment shall have been made shall within One Calendar Month thereafter certify to the Commissioners for taking Account of the Population the Amount of Money so paid by them or him respectively.

Act may be
amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

C A P. X.

An Act to continue the Poor Law Commission until the Thirty-first Day of *July* One thousand eight hundred and forty-two. [7th October 1841.]

4 & 5 W. 4. c. 76.

Poor Law Com-
missioners, &c.
further con-
tinued in Office
till 31st July
1842.

‘ **W**HEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, Provisions were made for the Appointment of Poor Law Commissioners, Assistant Commissioners, Secretaries, and other Officers, and for their Continuance in Office until the End of the Session of Parliament held next after the Fourteenth Day of *August* One thousand eight hundred and thirty-nine; and by another Act passed in the Third Year of the Reign of Her present Majesty Provision was made for their further Continuance in Office until the Fourteenth Day of *August* One thousand eight hundred and forty, and thenceforth until the End of the then next Session of Parliament; and by another Act passed in the Fourth Year of the Reign of Her present Majesty Provision was made for their further Continuance in Office until the Thirty-first Day of *December* One thousand eight hundred and forty-one; and it is expedient further to continue such Provisions:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Poor Law Commissioner appointed by His late Majesty, or appointed or to be appointed by Her Majesty the Queen, Her Heirs and Successors, and every Assistant Commissioner, Secretary, and other Officer and Person duly appointed by the Poor Law Commissioners, shall be empowered (unless he shall previously resign or be removed) to hold his Office, and exercise the Powers thereof, until the Thirty-first Day of *July* One thousand eight hundred and forty-two; and until the Expiration of the said Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at pleasure, to remove any of the said Commissioners for the Time being, and upon every or any Vacancy in the Number of Commissioners, either by Removal, or by Death or otherwise, to appoint, by Warrant under the Royal Sign Manual, some other fit Person to the said Office, and until such Appointment it shall be lawful for the surviving or continuing Commissioner or Commissioners to act as if no such Vacancy had occurred.

Act may be
amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

C A P.

C A P. XI.

An Act for raising the Sum of Ten millions six hundred and twenty-six thousand three hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-one, and for appropriating the Supplies granted in this Session of Parliament.

[7th October 1841.]

- § I. The Treasury may cause £10,626,350 of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.
- II. The Clauses, &c. in recited Act extended to this Act.
- III. Monies raised by Exchequer Bills to be applied to Services voted by the Commons.
- IV. Exchequer Bills made chargeable upon the Supplies to be granted next Session.
- V. Exchequer Bills to bear Interest not exceeding $3\frac{1}{2}d.$ per Cent. per Diem.
- VI. Exchequer Bills to be current to all Receivers, &c., and at the Bank.
- VII. Bank may advance £10,626,350 on the Credit of this Act.
- VIII. Monies coming into the Exchequer by c. 8. *antè*, and also the said £10,626,350 by this Act, to be applied as hereafter expressed.
- IX. There shall be issued and applied,
- | | | | |
|-----------|---|---|--|
| £ 131,681 | 0 | 0 | For Army Services, to the 31st March 1842, viz. |
| 106,678 | 0 | 0 | For Commissariat Department. |
| 25,003 | 0 | 0 | For Commissariat Half Pay, Pensions, and Allowances. |
- X.
- | | | | |
|--------|---|---|--|
| 67,744 | 0 | 0 | For Ordnance Services for the Year 1841-42, viz. |
| 24,772 | 0 | 0 | For Ordnance Works and Repairs, <i>Canada</i> Extraordinaries, Storekeepers Expenditure, Building and Repair of Barracks, and Barrack Masters Expenditure. |
| 39,198 | 0 | 0 | For Civil Contingencies in the Colonies. |
| 3,184 | 0 | 0 | For Ordnance Stores. |
| 590 | 0 | 0 | For a Military Superannuated Allowance. |
- XI. 10,626,350 0 0 To pay off outstanding Exchequer Bills.
- XII. 54,000 0 0 For Expences in *Canada* consequent upon the Insurrection there.
- XIII.
- | | | | |
|-------|----|---|--|
| 2,930 | 0 | 0 | For the Civil Establishment of the <i>Bahama Islands</i> |
| 2,024 | 10 | 0 | For ditto of the <i>Bermudas</i> |
| 1,535 | 0 | 0 | For ditto of <i>Prince Edward's Island</i> |
| 5,440 | 0 | 0 | For ditto of <i>Western Africa</i> |
| 3,549 | 10 | 0 | For Settlement of <i>Western Australia</i> |
| 5,795 | 0 | 0 | For Ecclesiastical Establishments in <i>North America</i> |
| 9,447 | 10 | 0 | For the <i>Indian</i> Department in <i>Canada</i> |
| 9,333 | 10 | 0 | For Salaries of the Governors, &c. in the <i>West Indies</i> |
| 511 | 10 | 0 | For the Civil Establishment of <i>Heligoland</i> |

To
31st March 1842.

	£ 5,750	0	0	For the Civil Establishment at <i>St. Helena</i> , and for Pensions and Allowances to Civil and Military Officers of the <i>East India</i> Company's late Establishment in that Island - - -	} To 31st March 1842.
	200	0	0	For the Establishment at <i>Sable Island, Nova Scotia</i> , for the Relief of shipwrecked Persons - - -	
	3,000	0	0	For the Settlement of <i>New Zealand</i> - - -	
	2,211	10	0	For ditto at <i>Port Essington</i> - - -	
	1,000	0	0	For the Civil Establishment of the <i>Falkland Islands</i> - - -	} To 31st March 1842.
§ XIV.	24,896	0	0	To make good the Supplies granted last Session.	
	60,000	0	0	For Civil Contingencies - - -	
	51,654	10	0	For Public Buildings, Works, &c. heretofore charged upon the Civil List - - -	
	5,000	0	0	For Works, &c. at <i>Kingstown</i> Harbour - - -	} To 31st March 1842.
	2,680	10	0	For <i>Holyhead</i> and <i>Liverpool</i> Roads, <i>Holyhead</i> Harbour, and <i>Shrewsbury</i> and <i>Holyhead</i> Road - - -	
	21,202	0	0	For Works and Fittings at the <i>British Museum</i> - - -	
	4,184	10	0	For temporary Accommodation for the Houses of Parliament, &c. - - -	
	15,406	0	0	For erecting New Houses of Parliament - - -	} To 31st March 1842.
	15,000	0	0	For completing the Model Prison.	
	2,500	0	0	For completing the Prison at <i>Perth</i> .	
	844	10	0	For the Museum of Economic Geology, to 31st March 1842.	
	2,500	0	0	For erecting a Hall at <i>Edinburgh</i> .	} To 31st March 1842.
	29,000	0	0	For Salaries, &c. of the Houses of Parliament - - -	
	26,300	0	0	For Salaries and Expences of the Treasury - - -	
	10,750	0	0	For ditto of the Home Department - - -	
	44,000	0	0	For ditto of the Foreign ditto	} To 31st March 1842.
	10,000	0	0	For ditto of the Colonial ditto	
	15,750	0	0	For ditto of the Privy Council	
	1,000	0	0	For the Lord Privy Seal - - -	
	17,473	10	0	For the Office of the Paymaster General - - -	} To 31st March 1842.
	8,785	0	0	For Salaries, &c. of the Office of the Comptroller General of the Exchequer, and Paymaster of Civil Services - - -	
	1,003	0	0	For Professors in <i>Oxford</i> and <i>Cambridge</i> - - -	

£ 6,679	0	0	For Salaries and Expences of Insolvent Debtors Court	-	To 31st March 1842.
9,722	0	0	For the Penitentiary at <i>Milbank</i>	-	
3,092	10	0	For the Prison for Juvenile Offenders in the <i>Isle of Wight</i>	-	
1,141	0	0	For Expences of the State Paper Office	-	
1,500	0	0	For Ecclesiastical Commissioners	-	
29,077	10	0	For the Poor Law Commissioners	-	
8,250	0	0	For Commissioners for preventing Traffic in Slaves	-	
56,796	0	0	For Salaries to Consuls	-	
4,500	0	0	For Salaries, &c. of Factory Inspectors	-	
3,100	0	0	For ditto of Inspectors of Prisons	-	
15,700	0	0	For Expences of the Mint	-	
2,500	0	0	For Commission on Employment of Children in Mines and Collieries	-	
41,000	0	0	For Allowances and Compensations to Persons formerly in Public Offices or in the Public Service	-	
3,250	0	0	For <i>Toulonese</i> and <i>Corsican</i> Emigrants, <i>Dutch</i> Naval Officers Widows, <i>St. Domingo</i> Sufferers, <i>American</i> Loyalists, &c.	-	
925	0	0	For the Vaccine Institution, for 1841.	-	
1,500	0	0	For the Refuge for the Destitute, for 1841.	-	
1,695	0	0	For confining and maintaining Criminal Lunatics	-	
1,950	0	0	For Protestant Dissenting Ministers, poor <i>French</i> Refugee Clergy and Laity, &c.	-	
19,600	0	0	For Secret Services	-	
103,747	0	0	For Stationery, Printing, &c. for Public Departments and Parliament	-	
14,000	0	0	For Law Charges	-	
39,440	0	0	For Convicts at home and at <i>Bermuda</i>	-	
132,500	0	0	For Convicts in <i>New South Wales</i> and <i>Van Dieman's Land</i>	-	To 31st March 1842.
12,500	0	0	For Support of captured Negroes, &c.	-	
5,169	0	0	For Public Records	-	
15,000	0	0	For Public Education in <i>Great Britain</i>	-	
2,660	0	0	For the <i>London</i> University	-	
795	0	0	For the School of Design at <i>Somerset House</i>	-	
14,500	0	0	For Revising Barristers	-	

£ 6,150	0	0	For Expences of Sheriffs and Deficiency of Fees in the Re-	} To 31st March 1842.
			membrancer's Office, &c.	
73,500	0	0	For Charges hitherto paid out of the County Rates, for 1841.	
6,000	0	0	For <i>Polish</i> Refugees, to the 31st March 1842.	
3,540	0	0	For the Purchase of Manuscripts and Coins for the <i>British Museum</i> .	
56,855	0	0	For Compensation to <i>British</i> Subjects for Losses sustained through the <i>Spanish</i> Government in 1804.	
25,000	0	0	For Steam Communication to <i>India</i> , to 31st March 1842.	
29,350	0	0	For Salaries, &c. to Stipendiary Justices in the Colonies, to 31st March 1842.	
15,000	0	0	For educating emancipated Negroes.	
3,326	0	0	For Salaries of Emigration, to 31st March 1842.	
19,987	0	0	For Expedition to the River <i>Niger</i> , to ditto.	
5,000	0	0	For Public Walks near large Towns.	
5,000	0	0	For Schools of Design.	
1,750	0	0	For Pictures for the National Gallery in 1841.	
2,250	0	0	For erecting Lighthouses at <i>Jamaica</i> and <i>Bermuda</i> .	
10,000	0	0	For taking the Census in <i>Ireland</i> .	
37,150	0	0	For Law and other Expences in <i>Scotland</i> .	
§ XV. 25,000	0	0	For Education in <i>Ireland</i>	} To 31st March 1842.
4,793	0	0	For the Foundling Hospital in <i>Dublin</i>	
7,846	10	0	For the House of Industry in <i>Dublin</i> , Lunatic Department, and Hospitals attached	
500	0	0	For the Female Orphan House in <i>Dublin</i>	
1,250	0	0	For the <i>Westmoreland</i> Lock Hospital	
500	0	0	For the Lying-in Hospital	
750	0	0	For Dr. <i>Stevens</i> ' Hospital	
1,900	0	0	For the Fever Hospital and House of Recovery	
250	0	0	For the Hospital for Incurables	
4,464	0	0	For Roman Catholic College	
150	0	0	For the Royal <i>Irish</i> Academy	
150	0	0	For the Royal <i>Hibernian</i> Academy	
350	0	0	For Charity Commissioners in <i>Ireland</i>	
975	0	0	For <i>Belfast</i> Academical Institution	
XVI. 8,250	0	0	For Public Works in <i>Ireland</i>	
12,542	10	0	For Secretaries to Lord Lieutenant, of the Privy Council Office, and Printing for Public Offices in <i>Ireland</i>	

£ 6,232	0	0	For Household of Lord Lieutenant	-	-	-
2,369	10	0	For Paymaster of Civil Services in <i>Ireland</i>	-	-	-
2,075	0	0	For publishing Proclamations and Statutes	-	-	-
17,453	10	0	For Dissenting Ministers	-	-	-
51,000	0	0	For Criminal Prosecutions in <i>Ireland</i>	-	-	-
19,050	0	0	For the <i>Dublin</i> Police	-	-	-
1,392	0	0	For the Board of Public Works	-	-	-
3,500	0	0	For Townland Survey of <i>Ireland</i>	-	-	-
1,459	10	0	For Improvement of the River <i>Shannon</i>	-	-	-

To

31st *March* 1842.

§ XVII. Supplies to be applied only for the Purposes aforesaid.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN
IN EVIDENCE.

N.B.—*To each of these Acts is annexed a Clause in the Form following:*

“ And be it further enacted, That this Act shall be printed by
“ the several Printers to the Queen's most Excellent Majesty duly
“ authorized to print the Statutes of the United Kingdom; and
“ a Copy thereof so printed by any of them shall be admitted
“ as Evidence thereof by all Judges, Justices, and others.”

Cap. 1.

An Act to vest the Entailed Estate of *Ardnamurchan* and *Sunart*, in the County of *Argyle*, in Trustees, for the Purpose of raising Money for the Payment of the Debts affecting the said Estate and of certain Sums expended by Sir *James Milles Riddell* in improving the same, and for the Erection of a Mansion House and Offices thereon. [5th October 1841.]

Cap. 2.

An Act for enabling the Most Noble *George* Duke of *Marlborough* to charge, for the Repairs of *Blenheim Palace*, certain Hereditaments devised by the Will of the Most Noble *George* Third Duke of *Marlborough* deceased, as a collateral Security with a Sum of Twenty-five thousand Pounds and Interest, and as a primary Security with a further Sum not exceeding Ten thousand Pounds and Interest. [5th October 1841.]

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